

I have put in the RECORD did. But fleeting comments to reporters in the hallway are meaningless unless they are willing to follow up their words with their votes.

Today, the House will vote to disapprove the President's declaration. I believe that joint resolution of disapproval will pass the House. In short order, the Senate will have to vote on it. That is going to be the true test. That will be the metric history uses to determine whether Republicans are willing to put our country, our Constitution, and Congress itself over party.

While the President's emergency declaration stumbles its way through the courts, I hope my Republican friends take a moment to take stock of where we are. President Trump will be just a blip in our Nation's history. But for the sake of appeasing a man who hundreds of times made a foolish campaign promise, never grounded in reality, will they forever change the course of the separation of powers in our country? For the sake of appeasing a President who detests any limits or checks on his authority, will they forever diminish the role of Congress as a coequal branch of government? We are the longest surviving democracy on Earth today because there are checks and balances.

I am reminded of words of caution written by George Washington, our Founding Father and our Nation's first President, in his Farewell Address. The words are as true today, and we read this Farewell Address every year on the floor of the Senate. Here is what President Washington wrote over 223 years ago:

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. . . . If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

That is what George Washington said. He warned us against despots. Remember, this was a man who could have remained President for life, and he voluntarily stepped down after a second term. He was a man who did that because he wanted democracy to thrive.

He spoke of the three coequal branches of government—the executive, the legislative, and the judiciary—and he was reminding us that if you let one encroach upon the other, you start down the path of despotism. We don't need that in this country, especially in this age. We don't.

We know what despots are like. We see them around the world. We see them in South America today, in one country in particular. We see them in North Korea, where the despot had his uncle executed, his own brother murdered, and thousands of people are imprisoned, starved, and dying. A despot who continues to build nuclear weapons to keep himself in power even as his people die of starvation. In a democracy, that doesn't happen. We have checks and balances for a reason.

I am going to vote aye on this joint resolution of disapproval. I urge all Senators to do the same. Have checks and balances.

I remind the President to treat emergency declarations the same way they have been treated since 1976, the way—certainly in my experience—Presidents Ford, Carter, Reagan, both Bushes, Clinton, and Obama did. That preserved democracy. Was it frustrating to each of them at times? Of course it was. I remember long discussions with President Ford, President Carter, President Reagan, President George H. W. Bush, President George W. Bush, President Clinton, and President Obama. They would say: We want to do this. A number of us had to say: You don't have the authority to do that. And they realized that.

It is not the person who holds the office. It is not the Presiding Officer. It is not me. It is not the other 98 Members of this body. It is not the President of the United States. It is not the Members of the House. It is not the members of the courts. What rules this country is our Constitution. We are a democracy. We must keep it as a democracy. Look what happens in those countries where they ignore democracy and have despots. In Venezuela, people are going without food and medicine. In the Philippines, where there is a despot, there have been murders of people who are just under suspicion, encouraged by him. We have seen the deaths of thousands of people in North Korea because of a despot who does not care and has no sense of morality.

America is so much better. Follow our Constitution. Obey our Constitution. Realize there are checks and balances. Have both Republicans and Democrats stand up and join. Remember what George Washington said. It was good advice back then; it is good advice today.

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. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 311

Mr. SCOTT of South Carolina. Mr. President, I was necessarily absent from yesterday evening's vote on clo-

ture on the motion to proceed to S. 311, the Born-Alive Abortion Survivors Protection Act. On vote No. 27, had I been present, I would have been a yea vote on the motion to invoke cloture.

Let me say that a little differently. As I sat, waiting for my plane to leave Charleston, SC, to come to the Nation's Capital—a trip that typically takes about 63 minutes—3 hours later, I had not yet arrived in Washington, DC.

On a vote that, to me, should not be a vote at all—this should be common sense, but it certainly was not common sense, so we had to have a vote on an issue that is very near and dear to my heart.

I will say without any question that the frustration I felt at being late to that vote was one that was incredibly irritating and infuriating. I had planned to be on the floor of the Senate voting yes on a commonsense piece of legislation, the Born-Alive Abortion Survivors Protection Act, but was unable to make it because a 1-hour flight took more than 3 hours, and I arrived here about 4 minutes after the close of the vote, which also is quite frustrating.

But what is even more frustrating than that is that in a nation of good conscience, we would be debating and having a conversation about a child who is born, sitting there, alive, separated from her mother, that there would be a question of whether that child should be able to continue to live.

This is an issue that has been raised by people coming out of New York and more recently by people coming out of Virginia and by the Governor—who happens to be, from my understanding, a pediatric surgeon—who suggested it is OK to allow that child to die.

Whether you are pro-life, as I am, or pro-choice, as others, I cannot imagine that this would even be an issue of debate or discussion between the two sides. There is no side on this topic. There cannot be a side about life separated from the mother and whether that life should continue to live. This is common sense. This is human decency. This is not an issue of being pro-life or pro-choice. This is being pro-child, which we all should be.

So I find myself at a loss for words, standing on the floor of the U.S. Senate—where a vote yesterday failed by several votes—having to discuss what doesn't make sense.

I have recently spoken to a group in Charleston, SC, during Black History Month, where the GOP and African Americans were in the same room having a great conversation about the issues that are important to our Nation. We talked about so many of the powerful issues of economic opportunity and opportunity zones. There may have been some disagreement on whether we should have higher taxes or lower taxes, but there was no disagreement on the issue of infanticide. There was no disagreement whatsoever. In the room, whether you were to the left

or to the right, there was one thing that was common, and that was the value of life.

I traveled to Little Rock, AR, this weekend to speak at another Black History Month event, where Republicans and Democrats were coming together at the Governor's Mansion to have a conversation about moving this Nation forward and about reconciliation. In the room, we had conversations about the tragedies in Virginia, from the blackface tragedy to the issues with the three ranking members in the Commonwealth of Virginia. When I started talking about the value of human life, the intrinsic value of each human being, there was 100 percent support that we are a nation that should always value the life of a born-alive child. There was not a single dissent in a room of nearly 400 people.

To have to have a debate on the floor of the Senate about something that every American with whom I have spoken, in airports or at events, agrees there is nothing to debate, frustrates me. So while I am saddened and frustrated, I have been encouraged by my fellow Americans—from Arkansas to South Carolina, to Tennessee—who have all come to the same conclusion, and that is that a born-alive child deserves to live.

We may disagree on other points, but this is a place where there is universal agreement with the folks I have spoken to. These are folks who don't vote for Republicans or Democrats; they all vote for children. They all vote for life.

We are a nation that must continue to value life. For some reason, somehow, this body missed that opportunity to reinforce that value system before the American public, to say to each child born: No matter your State, no matter your challenges, you have intrinsic value.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Washington.

NOMINATION OF ERIC D. MILLER

Ms. CANTWELL. Mr. President, I rise in opposition to a nomination we are going to be vote on very soon—the confirmation of Eric Miller to serve on the U.S. Court of Appeals for the Ninth Circuit.

As a U.S. Senator, I take my obligation to advise and consent on judicial nominations very seriously, and I believe Mr. Miller's confirmation process has gone against longstanding Senate tradition and norms and limited our role to advise and consent on his nomination.

This nomination has proceeded over the objection of both myself and my colleague from Washington, Senator MURRAY. For more than 100 years, conferring with Senators and allowing them to advise and consent on judicial nominees in their home State has been our process.

Since 1936, only eight judges have been confirmed when one home State Senator objected. In every case, confirmed nominees have been supported

by at least one Senator from the nominee's State, and to this day no circuit court judge has ever been confirmed despite opposition from their home State Senators. All that would change if Mr. Miller is confirmed.

His confirmation hearing was held during a recess last Congress, when the vast majority of Senators were back in their States. In fact, only two Members of the U.S. Senate were present at the hearing, and neither one of them were Democrats. Mr. Miller was questioned for less than 5 minutes—5 minutes—and when the Judiciary Committee Democrats requested another hearing, that request was rejected.

Confirming Mr. Miller without a full vetting by both Democrats and Republicans is the wrong way to proceed on a lifetime appointment. Moreover, confirming Mr. Miller without approval from Senator MURRAY and I would set a damaging precedent.

I do have concerns about Eric Miller's record. He has spent much of his career fighting against the interests of Tribal governments and Tribal sovereignty. He has argued cases opposing Tribal fishing rights, challenging Tribal sovereignty, and fighting against the protection of Native American religious and traditional practices, so it is no surprise that organizations representing all 573 Tribal nations around the United States, including the National Congress of American Indians, oppose Mr. Miller's confirmation.

I urge my colleagues to stop this process and oppose Mr. Miller's confirmation to the Ninth Circuit Court of Appeals.

S. 47

Mr. President, I also want to comment on upcoming action in the House, where they are scheduled to take up S. 47, the Murkowski-Cantwell lands package later this afternoon, which received 92 votes in the Senate earlier this month.

It is my hope that the House will approve this bill with the same overwhelming that it received in the Senate, and send this legislation quickly to President Trump's desk.

I want to take a moment to emphasize four important provisions of this legislation as we prepare for this year's upcoming fire season.

This legislation includes four provisions that will help firefighters improve their safety and effectiveness and bring state-of-the-art technology to combating wildfires. These provisions will help firefighters and communities, and we need to do everything we can as we face longer fire seasons having more catastrophic events. We need to give communities and firefighters every tool possible.

First, this legislation allows for the use of drones to create real-time fire mapping, as well as GPS to track firefighter crews. These advances will help enable real-time tracking and location of both the fire and the firefighters.

Why is this so important? It is because our firefighters need real-time

data to do their job more safely and effectively. The combination of real-time mapping and GPS locaters has been referred to by the industry as the "Holy Grail of Wildland Firefighter Safety."

Last month's report on the devastating Mendocino Complex fire shows why this is the case. According to this report, one of the challenges frontline firefighters had to face was the fact that they weren't sure exactly where the fire was. The safety officers didn't always know where the firefighters are. In one case, no one knew where six entrapped firefighters were. The result was that all six suffered injuries because it took quite a while to locate and rescue them.

Under this legislation that will be voted on by the House today, we will have more drones orbiting high over the fires, constantly updating fire maps and doing it more than just once a day, which has been the standard until now. These drones employ infrared cameras that can penetrate through thick smoke and better identify hotspots. Air tankers will be able to more accurately drop their fuel retardants, and we can tell firefighters on the frontlines how to steer away from areas that are just too dangerous to tackle.

When I heard the stories of brave firefighters who battled fire that raged in many parts of my State, I knew we needed to do more to protect these unbelievable heroes. Whether it is in Eastern Washington or Central Washington—in the Okanagon and Wenatchee forests or around Spokane—we have to do more to help those communities and firefighters who are putting themselves on the line for us.

This legislation also allows the Forest Service to access NASA's mapping technology to help prevent mudslides that are all too common after these horrific fires. We all know erosion can happen shortly after the devastation of vegetation, and that creates more damage in the community. The fact that we will be getting NASA access, we will then be able to come up with strategies to prevent erosion, cutting the time significantly from where it is today.

The fourth provision is improving smoke forecasting by assigning meteorologists to every large fire. I know some people are thinking this probably has already been done. Believe me, we haven't given the Forest Service every tool it needs.

Over the last few years, summers in the Puget Sound region have suffered as fires have blanketed our normally pristine air with smoke and unhealthy air. We know this is becoming a new normal. As the Western United States continues to become hotter and drier, fires become more and more likely, and as the fuels get drier, the number of fires increase and get even bigger.

This isn't just an Eastern Washington problem. Our Washington State Department of Natural Resources responded to 1,800 fires last year, and 40