

the rule of law, preparing her for a distinguished career.

Joan Larsen also served as the Deputy Assistant Attorney General in the Justice Department's Office of Legal Counsel. Former government officials from both Republican and Democratic administrations wrote in strong support of her nomination, each of them holding her in the highest regard.

Joan Larsen later joined the law faculty at the University of Michigan, teaching there for many years. She excelled in academia, earning the praise of her students and the esteem of her colleagues. In fact, more than 30 of Michigan's deans and law professors wrote to support her nomination. They wrote that Justice Larsen's "commitment to the rule of law and her capacity for top-flight legal analysis are both of the first order, and her personal integrity and decency are exceptional." Even when they disagreed, her colleagues praised Justice Larsen's generous manner, her personal integrity, as well as her legal acumen.

In 2015, Larsen was appointed to the Michigan Supreme Court. The next year, she won election to a full term, winning every single county in the State. Her fellow justices—even those with different ideologies—praised her intellect and her commitment to apply the law as it is written to every case before them.

Joan Larsen's time on the Michigan high court has shown a record of independence and of fairness. Here is how one practitioner put it in a letter to the Judiciary Committee: "I am not a Republican," he wrote. "Justice Larsen approaches cases with an open mind and an independence from party affiliation. . . . I believe that . . . Justice Larsen has had a very positive influence on the Michigan Supreme Court. In my view, she would be a deserving addition to the Sixth Circuit Court of Appeals."

Another lawyer wrote the committee, advising that he "has practiced law in Michigan for 39 years" and is "a past president of the Michigan Association for Justice (formerly the Michigan Trial Lawyers Association)." He goes on to say that Justice Larsen "has demonstrated on the bench that she is precisely who she is in person, a genuine, thoughtful individual who respects precedent, the common law and the role that lawyers and judges play in society. . . . I have no hesitation in telling you that Justice Larsen will make an excellent judge on the Sixth Circuit Court of Appeals."

In conclusion, President Trump continues to nominate smart, well-qualified, and impartial individuals to our Nation's Federal courts. Justice Larsen, like each of the other nominees before her, was nominated on the basis of her belief in the rule of law and her commitment to apply the law fairly to everyone who enters her courtroom.

Once again, I would also like to thank Chairman CHUCK GRASSLEY for his leadership on the Judiciary Com-

mittee, tirelessly working to bring the President's nominees to the floor.

I look forward to voting to confirm Joan Larsen today, and I urge all of my colleagues to join me.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Larsen nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### NEW YORK CITY TERROR ATTACK

Mr. SCHUMER. Mr. President, I rise this morning with a heavy heart. My city, my dear city of New York, no stranger to terrorism, was once again its victim yesterday.

Yesterday afternoon, a man deliberately drove a rented truck into groups of pedestrians and cyclists, killing eight and injuring about a dozen more. Some of the injured were schoolchildren. These people were biking or walking home, enjoying a brisk and beautiful New York autumn day. It is tragic. It leaves a hole in your stomach.

Our hearts go out to the victims and their families, and we wish all of the injured a full and speedy recovery. We are also grateful—deeply grateful—to the New York Police Department and the first responders, especially Officer Ryan Nash, 28 years old, who was the first on the scene. He reacted quickly and decisively to bring down the attacker and bring him into custody. Who knows how much worse the tragedy would have been without his actions.

As one of thousands of New Yorkers who regularly ride on the path where this attack took place—in the last month, I have ridden on it twice—it hits close to home. My daughter went to the school near the scene, Stuyvesant High School, and she used the bike path I don't know how many times. This is our territory, our home.

The attacks are meant to confuse and terrorize, but, as the world learned after 9/11 and will learn again, New

York doesn't scare easily. New Yorkers are resilient. We always bounce back. We won't let these terrorists get their way or affect our way of life. We will never let terror prevail.

True to form—something that made my heart swell with pride—the New York City Halloween parade marched on last night. Thousands of school kids went right into Stuyvesant today. The terrorists cannot stop us. They cannot change our way of life. We love New York. We love America. That bond holds us together.

#### ANTITERRORISM FUNDING

Now, I have seen the tweets from President Trump. After September 11, the first thing President Bush did was to invite Senator Clinton and me to the White House, where he pledged to do whatever was in his power to help our city. President Bush, in a moment of national tragedy, understood the meaning of his high office and sought to bring our country together.

President Trump, where is your leadership?

The contrast between President Bush's actions after 9/11 and President Trump's actions this morning could not be starker.

Again, President Trump, where is your leadership?

I would say in closing that I have always believed that immigration is good for America. I believe it today.

President Trump, instead of politicizing and dividing America, which he always seems to do at times of national tragedy, should be bringing us together and focusing on the real solution—antiterrorism funding, which he proposed to cut in his most recent budget. So I am calling on President Trump to rescind his proposed cuts to this vital antiterrorism funding immediately. Our city relies on this funding to track potential terrorists and to snuff out attacks. The NYPD, which bravely and quickly responded to the scene yesterday and brought the mayhem to an end, depends on this antiterrorism funding to keep our city safe day in and day out. So, again, I am calling on the President to rescind his proposed cuts to this vital antiterrorism funding immediately.

Instead of dividing, instead of politicizing, do something real, Mr. President. Restore these funds now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, this week the Senate is moving through a series of votes to fill vacancies in the Federal appeals court. President Trump has nominated highly qualified, mainstream judges and legal scholars to do these jobs. Now, Democrats have responded once again with delay and with obstruction. It is clear to me that we need to change the rules in the Senate that govern how we debate nominations in this body. All year Democrats have been putting up roadblocks to nominations. They have forced the majority leader to file cloture so that

then we can confirm nominees like these four judges.

As of last Friday, Democrats have forced the Senate to file cloture 47 different times when we have had to have cloture votes on President Trump's nominees. There were only six cloture votes at this point for the previous four Presidents—five for Obama, none for George W. Bush, one for Bill Clinton, and none under the Presidency of George Herbert Walker Bush. These are the kind of hoops that the Democrats have been making the Senate jump through in an effort to confirm President Trump's nominees.

The procedure has been set in place to allow for debate. Well, debate is a good thing in the Senate, as long as debate is actually occurring. It is a chance for Senators to stand up, to say what they like or what they don't like about a nominee. Now, if no one wants to debate, we should just move things along and have the vote. There is one Senate rule that allows for as much as 30 hours of debate time on Presidential nominations after we have actually had the cloture vote. Now, in reality, very little of that time that is spent on the Senate floor is actually being used for the debate. In the past, both sides would agree to waive the time requirements and to move on to other Senate business, which is what we need to do to get the country continuing to move forward. But what is happening now is that Democrats are insisting on cloture votes, and then they are insisting that we use hour after hour after hour, even when there is no one here to debate what is the issue or the person in front of us.

It is time to end this pointless spectacle. The Senate used to be called the world's greatest deliberative body. Democrats have turned it into the world's most paralyzed deliberative body.

We have more than 125 nominees for various jobs who have had hearings in committee, who have testified in committee, who have been voted on in committee, who have cleared through the entire committee-vetting process and are now waiting for a vote on the Senate floor—125 of them. Most of these people have bipartisan support. They will be confirmed easily and eventually. They should be confirmed immediately. There should be no reason for Democrats' stalling tactics except, once again, to slow down the pace of other progress in the Senate on legislative issues.

Mr. President, look at what happened with one judge last week. It is a case you are very familiar with. Scott Palk was nominated by President Trump to serve on the U.S. district court. He had bipartisan support in the Judiciary Committee. He went to the committee, had a hearing in the committee, and with bipartisan support was voted out of the committee. That was in June—more than 4 months ago.

Now, apparently that is not good enough for the Democrats—not at all.

They are only interested in slowing down the work of the Senate. So we had a cloture vote on the nominee. It was 1 of the 47 cloture votes that we talked about. We had to have a cloture vote. Every Republican and 27 Democrats voted for him. So he had bipartisan support. We still had to allow all of this wasted time for the debate. We couldn't conduct any of the other business of the Senate during the time because the Democrats insisted that we use all of the debate time. Now, they could have very easily agreed to waive the rules, as we do, and go straight to a vote. We wanted to do that. The Democrats refused.

So how much of that time—those 30 hours—did the Democrats actually spend on the floor debating this person's qualifications to be a Federal judge? How many of those 30 hours did the Democrats use? None. How many minutes did they use? None. Not one Democrat came to the floor of the Senate to talk about that judge. Not a single Democrat even bothered to say a word against his nomination. There were fewer than 20 minutes of total talk on the floor of the Senate. Through hour after hour after hour of ongoing time, there were fewer than 20 minutes spent actually talking about the judge, and it was all spent in praise by the Republicans. We still had to run out the clock because that is the delay game the Democrats are playing in the Senate. The Senate had to waste hours and hours when we could have finished debating in less than 20 minutes. The Democrats have done this same thing time after time after time, day after day, wasting day after day.

Things take time in the Senate. We understand that. That is what the Founding Fathers had in mind when they formed the two bodies of Congress, the House and the Senate. There is no excuse, though, for Democrats abusing the process to make things take even longer. Democrats aren't using the rules for debate. They are not using the rules for deliberation. It is only for delay. It hasn't always been this way, and there is no reason it should continue to be this way.

The Senate had a different standard for nominations a few years ago, and that was in the 113th Congress. In years 2013 and 2014, the Senate allowed just 2 hours of debate after cloture was invoked on nominations for district court judges. That is 2 hours more than the Democrats actually spent debating this judge's nomination last week. The rules said that we would have up to 8 hours to debate executive branch nominations below the Cabinet level. Then, for Cabinet Secretaries, for Justices on the Supreme Court, and for circuit courts, it was the full 30 hours of debate. Thirty hours now is what we allow every nomination today, and Democrats have shown that in most cases it is far too much time because even though we have to spend all the time, they use very little of it talking about the nominees.

We need a fair debate on every nomination. The procedure from 2013 and 2014, with fair debate on nominations, is one that was fair. The way the Democrats are wasting time today to keep us from doing our work is not fair. I believe it is time to return to the rules for debating nominees that the Senate used 3 years ago. There will still be plenty of time for Senators to debate the nominees, to raise objections if there are any. Every Senator could be on the record. There are just a lot of hours that we could avoid that are being wasted today that could be used to do the people's business of this country. A President's nominations of qualified people to important jobs was never meant to be a tool for delay in the Senate or to be an obstruction the way the Democrats have been using it.

Now, these rules that we used in 2013 and 2014 were the result of a compromise. Democrats controlled the Senate at the time. A Democrat, Barack Obama, was in the White House making the nominations, and Republicans agreed to make these changes to the rules. It was part of a bipartisan group, and I was part of that group. There were eight Senators. They worked on this compromise—four Republicans and four Democrats. Senator McCAIN and Senator ALEXANDER were part of this group. Senator SCHUMER, who is now the Democrat leader, was part of this group. There was overwhelming support for these changes on both sides of the aisle.

It is time to do it again. Let's change the Senate rules and go back to the process that Senator SCHUMER supported in 2013 and 2014. Today, the schedule allows us to do one or two nominations in a typical week. If we go back to the 2014 standard, we could clear multiple nominations in a day. The Republican Senate has been busy this year, and we have made progress on behalf of the American people. We have passed 15 resolutions rolling back destructive, Obama-era regulations using the Congressional Review Act and signed into law by the President. We passed a budget that will help give Americans at home a raise by cutting their taxes and giving us an opportunity to do the kind of tax relief, tax reform, tax reductions, tax cuts that the American people are looking for. We need to do more. It is time for Democrats to stop abusing the rules just to delay the process. It is time to go back to the previous standard of debating nominations. It is time to pick up the pace and do the job the American people expect us to do.

Now, if Democrats have a different approach and don't want to accept the standard of debate that was set in the previous Congress, then I believe it is time for us to force that change. If Democrats maintain their lockstep opposition to real progress on judicial vacancies and other nominees, we should give them a chance to vote on their continued obstruction. We can vote on these nominees in a straightforward

and efficient way or we can vote to return to the precedent of the 113th Congress. That is the choice. Either way, it is time to vote.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RUSSIA INVESTIGATION

Mr. BLUMENTHAL. Mr. President, the magnitude of this moment should be apparent to all. A sitting U.S. President's campaign chief and his protege have been indicted for conspiring against the United States. Another campaign adviser has pleaded guilty for lying to the FBI about meetings with Russians. At those meetings, he illegally discussed obtaining dirt on the President's political opponent and emails that had been stolen.

Two points need to be underscored for the American people. First, these indictments and conviction are a sober, shattering moment in American history. Second, all of us on both sides of the aisle should come together to support the work of the special counsel and assure that he is able to follow the facts and the law and all of the evidence, wherever they may lead.

This moment will stand as a landmark in American history, just as many of the moments in Watergate did. This investigation has proceeded more quickly than Watergate did. John Mitchell was indicted in 1974 for conspiracy, perjury, and obstruction of justice. He was convicted a year later. That indictment took a year and a half of investigation. These indictments have occurred just 11 months after the election and barely 6 months after the beginning of the investigation.

We know that the President's campaign hired two alleged criminals and one admitted criminal. Two of them were foreign agents, and the campaign was run by a Russian agent, unregistered, now charged with conspiring against the United States. He was supported by another Russian foreign agent who was also charged with the same 12 criminal counts. These two individuals, Paul Manafort and Rick Gates, were significant people in the Trump campaign.

In the case of Gates, his influence continued through the early months of the new administration. Manafort ran Trump's campaign at its most critical point, and he organized and directed the 2016 Republican National Committee convention, including the critical delegate-corralling effort against a potential "Never Trump" insurrection, securing the Republican nomination for Donald Trump.

Under Manafort's leadership of the Trump campaign, the Republican

Party stripped language from their platform that would have called for arming Ukraine against Russian aggression. Ahead of the convention, Manafort also offered to brief a Russian billionaire on the state of the 2016 race. The convention he helped organize became a venue for a meeting between Attorney General Sessions and the Russian ambassador, after which the Attorney General misled Congress, implying—indeed stating—that it never took place.

The Trump campaign also worked extensively with George Papadopoulos, a foreign adviser whose actions constitute the most significant indication of possible collusion—so far the most significant—between the Trump campaign and Russian officials.

Papadopoulos was named a foreign policy adviser in March 2016 and began communicating with Russian nationals the next month. He met with a professor for breakfast in London. They discussed stolen emails from Hillary Clinton and subsequently shuttled messages to the Kremlin and back for the Trump campaign.

He worked with officials at the highest level of the Trump campaign. His direct boss, in fact, was Jeff Sessions, who was then the head of Trump's national security advisory committee, and he is now, of course, the Attorney General. He communicated extensively with the campaign manager and members of the national security team.

President Trump tweeted today that he was a "young, low level volunteer," but the President sang his praises at a meeting with the Washington Post editorial board in March 2016, calling him an "energy and oil consultant, excellent guy." These revelations are stunning.

Now the President is at a critical juncture. He can choose the course of cooperation or confrontation. He is literally teetering on the brink of a decision that could prove disastrous for himself and for America if he chooses a constitutional confrontation.

We are at a moment very much like the one that occurred in Watergate. It is still memorable to many of us in this Chamber, although we were not here at the time. Our Nation could be careening toward a constitutional crisis. Some of the actions the President has already taken, such as firing Jim Comey as FBI Director, may be evidence of obstruction of justice in the investigation by the special counsel. As part of our oversight responsibility, the Judiciary Committee must continue its work in investigating that firing and other actions that may constitute obstruction of justice.

Firing the special counsel himself is something only the President could try to do. It would be the ultimate act of contempt for the rule of law that is rightly seen as the actions of someone who has something to hide.

At stake is more than just this President or this special counsel. It is literally the rule of law. To this Presi-

dent, the rule of law may be meaningless, a facade or a fiction, but that is exactly why Congress must give the judicial branch specific, enforceable power to stop the President from firing the special counsel.

That is the purpose of legislation I have introduced, along with colleagues. I am here to call upon this body to support and pass the Special Counsel Independence Protection Act.

I called for the special counsel to be established in February of this year and was joined by 10 of my colleagues in that call. It was based on credible allegations that the Trump team had colluded with the Russian Government. The Special Counsel Independence Protection Act, which I have cosponsored along with colleagues, seeks to forestall the kind of potential constitutional crisis raised by the President's threats not so long ago and his labeling the investigation a hoax and a witch hunt.

The Washington Post reported today that advisers close to the President are urging that, in fact, he take more aggressive action against the special counsel. The specter of Presidential action against Robert Mueller, designed to stop or stymie a virtually unavoidable and necessary criminal investigation of the President himself, makes safeguarding the special counsel more urgent and necessary now than ever before.

Rather than encouraging Presidential abuse of power by inaction, the Congress must move forward right away to check potential malfeasance and abuse before it occurs. Even the threat of such political interference constituting potential obstruction of justice undermines the special counsel's investigation. It makes witnesses less likely to cooperate. It discourages the agents and investigators working for the special counsel. It creates unnecessary confusion in the American public. Only judicial review can provide the check against such abuse and ensure confidence that the special counsel will proceed methodically and systematically to uphold the rule of law and follow the facts in evidence, wherever they may lead. That is what the American people want him to do. That is what we should guarantee that he will do. Make no mistake, this investigation will continue and conclude fairly and fully. The only question is how much turmoil and how much damage is done in the course of that investigation.

Clearly, like any investigation and prosecution, this one is a mosaic, consisting of many different diverse pieces and already it is coming together on the Trump campaign's contacts with Russian officials. They include, for example, campaign adviser Papadopoulos's contacts with a Russian agent who claimed he had "dirt" on Hillary Clinton; Donald Trump, Jr., and the campaign aides' Trump Tower meeting with Russian agents to obtain information on Clinton; Jared

Kushner's meetings with sanctioned VEB Russian bank CEO Sergey Gorkov; Sessions' meetings with the Russian Ambassador; the Cambridge Analytica CEO's outreach to WikiLeaks to obtain Hillary Clinton's missing emails; and former National Security Adviser Michael Flynn's dining with President Putin in Moscow. Those pieces of the mosaic are only the beginning. We are at a critical stage—the end of the beginning, not the beginning of the end.

As a former prosecutor, I know investigations take time. The best investigations are done without deadlines. In an important case like this one, and in a complex and challenging one, we must allow all the time necessary to assemble that full mosaic and put together the pieces of this puzzle.

The Watergate scandal took 2 years to unravel, from Bob Woodward and Carl Bernstein's first piece in the Washington Post in June of 1972 to Nixon's resignation in August of 1974. We are less than a year into the Trump Presidency and fewer than 10 months into this investigation.

The first individuals to be indicted in the Watergate scandal were considered to be generally outside the President's inner circle. They were E. Howard Hunt, G. Gordon Liddy, and the Watergate burglars in September of 1972. No one knew—and many denied—the conspiracy that involved the President and his top lieutenants at the time of those first indictments. In these cases, too—in these first indictments and conviction—a lot more is to come.

We cannot wait until the President potentially shuts down his special counsel to come to his defense. Already, the rule of law is under threat. On Sunday—the day before the indictments were handed down—the President tweeted: “DO SOMETHING!” with regard to the Russia investigation. Although his reference was unclear exactly what he meant and whom the message was targeting, it certainly was an indication that some kind of action might be taken to thwart the investigation.

Any interference in this investigation will be a red line for me and for others in this Chamber. Let the President hear that message loud and clear. There is a red line that cannot be crossed. It is political interference or intrusion in the special counsel's investigation, and it will be met with a firestorm, I hope, on both sides of the aisle. My conversations with our colleagues on the other side of the aisle indicate they would share our outrage and outcry if there is an effort to stop and stymie this investigation or if there is any other kind of political interference in it.

Senators GRAHAM, BOOKER, WHITEHOUSE, COONS, and I have cosponsored measures that will help protect the special counsel. There are two measures now, but they are so closely similar that they should be brought together, and conversations are under-

way to do so. I expect we will have a single bill in the very near future.

We should stand with one voice against obstruction of this investigation. I ask that my colleagues go on the record now to state that they will absolutely resist and oppose any interference by the executive branch into this investigation or investigations that are underway by our congressional committees—on the House side, the Intelligence Committee and, in the Senate, the Judiciary Committee along with our Intelligence Committee. The congressional committees have separate purposes. In the Judiciary Committee, we have the unique responsibility of oversight over the Department of Justice and the FBI. We have the unique responsibility to prevent the obstruction of justice and to uncover it, as is indicated by the firing of Jim Comey. My hope is that investigation will proceed and that it will be bipartisan, so we will have hearings and subpoena witnesses with public testimony under oath and eventually some report to the American people. That is my hope, and that will be our decision here.

The decision we cannot and should not make is what the outcome will be of the special counsel investigation. We must guarantee—and we have this responsibility in the Congress—that there is adequate funding and authority for the special counsel, that there is no effort to either cut resources or limit the purview of the special counsel or place constraints on the time it may take for this probe to conclude. There should be no firing and no pardons, and we should speak out and stand up to assure that message reaches the White House loud and clear.

This moment is one of historic magnitude. I cannot emphasize how strongly I feel but also how deeply my colleagues have expressed to me their own feelings about our responsibility in this moment.

The grand jury that is bringing these indictments is an arm of the courts, which should be independent of both the executive and legislative branches. That independence gives the special counsel some new measure of permanence and protection, but the President can still try to fire the special counsel. He cannot fire the grand jury or the U.S. District Court judge who impaneled the grand jury. Judicial review of any firing of the special counsel, which is the core principle of our measure—the Special Counsel Independence Protection Act—would add a highly significant protection to not just deter misguided and deeply mistaken actions, throwing our Nation into turmoil, but also assuring that confidence and trust remains with the special counsel, and he can follow facts and the law with the full support of the American people. The American people can put their trust and faith in him and in our courts. We should assure that we uphold that faith and trust.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

#### HEALTHCARE

Mrs. MURRAY. Mr. President, since day one, the President of the United States has made it clear that his top priority, when it comes to healthcare in our country, is to score political points by attacking ObamaCare. He has even said repeatedly that healthcare in our country will “implode,” but this was not just a prediction that President Trump made, it was his goal, and he has tried virtually everything he can do to make that implosion a reality.

In January, he abruptly pulled funding for outreach days before the end of the 2017 open enrollment period without any analysis of how that might affect patients and families, and he signed executive orders specifically designed to inject uncertainty and increased costs into the healthcare system.

President Trump then dedicated the spring and summer to attempting to jam partisan, extraordinarily destructive legislation through the House and Senate to repeal the Affordable Care Act, despite one independent analysis after another showing that each version of TrumpCare would cause premiums to spike, take coverage away from millions of people, rip protections away from patients with preexisting conditions, and gut Medicaid.

This fall—after TrumpCare failed another time in the Senate—he slashed by 90 percent the investments that help inform families about their coverage options and followed through on his year-long threat to discontinue payments designed to lower out-of-pocket costs for low-income enrollees.

This is a scenario that healthcare experts said would cause mass consumer confusion and anxiety, one that insurance companies planned for by shifting that burden of uncertainty to patients and taxpayers in the form of higher premiums and fewer options in State marketplaces.

Now, this is by no means the full list of ways President Trump has attempted his healthcare sabotage, but it does explain why we are here now. Today is the first day of the open enrollment period for 2018, and as a direct result of this President's actions, families are going to see higher premiums, more out-of-pocket costs, and fewer coverage options. Many families will have to change their coverage if they want to avoid paying hundreds of dollars more in premiums.

At a time when we need to continue to do more to bend the healthcare cost curve in the right direction, taxpayers are being burdened with higher

healthcare costs to the Federal Government—not because of any improvement in quality or comprehensiveness, just because of the chaos this administration has caused.

In fact, just last week, the Trump administration proposed a rule to double down on the sabotage in 2019 that would let insurers cover fewer services in addition to raising costs. I have to say, I just truly never imagined that a President of the United States would so openly and uncaringly root for the people of this country to be worse off. But that is exactly what President Trump is doing. It needs to be said, and it needs to be stopped.

What makes this even more frustrating is that a lot of it could have been stopped months ago if Republican leaders hadn't insisted on trying to help this administration carry out its partisan, wrecking-ball healthcare strategy.

Back in September, Chairman ALEXANDER and I were very near agreement on a bipartisan bill to stabilize healthcare markets and protect families from higher premiums and out-of-pocket costs through regular order, through a process that actually engaged over half the Senate. We were on the verge of reaching an agreement when Republican leaders froze our negotiations. Why? In order to jam TrumpCare through the Senate one more time.

Let me repeat that. Republican leaders hit the pause button on a bipartisan process that could have lowered premiums and stabilized markets, exposing our patients and families to the full impact of President Trump's sabotage.

That is the bad news, but the good news is that the legislation Chairman ALEXANDER and I ultimately agreed on can and will still have an impact—not just a few years from now but in 2018—if Republican leaders don't stand in the way again. Our bill would, among other priorities, continue out-of-pocket cost reduction payments and make sure that patients and families, not insurance companies, see the benefit of that certainty in the form of rebates next year. The legislation Chairman ALEXANDER and I have proposed, with 12 Democratic and 12 Republican cosponsors, would do a lot to help us get things back on track. It would tie President Trump's hands on sabotage, and it would send a very powerful message that elected officials in Congress can work together to get things done when we focus on common ground rather than scoring political points.

I would once again urge the majority leader to allow our legislation to get a vote. It has the support of 60-plus Senators, and it is growing. The non-partisan Congressional Budget Office has said that it provides billions in savings and would stabilize the markets this year and lower premiums in 2019. And the President told Chairman ALEXANDER that he supports this process moving forward.

There is no reason to wait. There is absolutely no excuse for inaction, and I

am going to continue doing everything I can to make that clear until Republican leaders finally listen to the patients and families they serve.

Mr. President, while I am here today, I also want to take a few minutes to speak on another way that I believe President Trump and Republicans are taking our country in a direction that is deeply harmful; that is, by stacking our courts with extreme conservative judges.

The Senate this week is going to vote on four judicial nominees who each have the far-rightwing seal of approval. Two are on President Trump's short list for Supreme Court Justices, meaning they would automatically vote to overturn *Roe v. Wade*. Unfortunately, their views on many things—LGBTQ rights, sexual assault, criminal justice, and corporate interests—are just as deeply troubling. One of the nominees we are considering this week advocated for using electric shocks for criminal punishment, and two—Amy Barrett and Stephanos Bibas—were nominated only after Republicans blocked the nominations of Myra Selby and Rebecca Haywood—both who happen to be African-American women—to the respective benches.

It is clear that as Republican leaders' list of legislative failures grows longer, their effort to enact their agenda by administrative action and by stacking the courts is only going to accelerate. That might appeal to extreme conservatives—in fact, I am pretty sure it does—but the truth is that whether it is healthcare or infrastructure or taxes, most people across the country really want to see Congress working together.

I am going to continue doing everything I can to speak out and fight back against extreme, harmful steps that are being taken by this administration and allowed by Republican leaders here in Congress and also to show there is a better way to get things done—by working under regular order, across the aisle, and putting people, not politics, first. That is what families rightfully expect, and that is what we all should be focused on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### NEW YORK CITY TERROR ATTACK

Ms. HASSAN. Mr. President, I would like to start my remarks this morning by offering my thoughts to the victims of yesterday's horrendous act of terror in New York City, my thanks to the first responders, and I would note the resiliency of the people of New York. Once again, they are going forward with their lives today, showing the world and anyone who would do us harm that Americans stand together and that we move forward regardless of what our foes may try to do.

#### HEALTHCARE

Mr. President, I also rise today to encourage Granite Staters—as my colleague from Washington did—and people across the country to take advan-

tage of the health insurance open enrollment period, which begins today and runs through December 15.

Every citizen deserves quality, affordable health insurance coverage to help them live healthy and productive lives. Access to healthcare is critical to the freedom, dignity, and well-being of our citizens, and it also contributes to a productive workforce and a thriving economy.

I still remember meeting with a constituent named Jo, about a year or two ago, who has a chronic health condition. When she lost her job in 2009 and lost her health insurance with it, her condition deteriorated to the point where she couldn't work, and a downward spiral ensued. She lost her home. She couldn't get healthcare because she had no resources. Because of the Affordable Care Act's Medicaid expansion, she was eventually able to get healthcare, to get the surgery and therapy she needed, and now she is working again. So healthcare is not only for the benefit of the individual who receives it; it helps that individual become a productive member of our workforce.

Affordable, quality care is also critically important to those who are working but may not otherwise be able to afford health insurance even if employed. It is something I have heard often this year from citizens of my State, as my Republican colleagues attempted to pass TrumpCare legislation that would have led to higher healthcare costs for less care.

At an emergency field hearing in June that I held with Senator SHAHEEN, we heard from a woman named Enna from Exeter, NH. Enna, who is self-employed, said that prior to the Affordable Care Act, her family was unable to maintain insurance consistently. Even when she did have it, her previous policy didn't cover critical preventive care that she needed. As a result of the ACA, Enna has been able to purchase affordable health insurance through the marketplace in New Hampshire for herself and her family of four, giving them the peace of mind that comes with having health insurance, while continuing to grow her own business.

Enna's story is the story of so many people in New Hampshire, and it represents why it is essential for people across the country to take advantage of this open enrollment period.

From today through December 15, Granite Staters and all Americans have an opportunity to sign up for a healthcare plan at [www.coveringnewhampshire.org](http://www.coveringnewhampshire.org) or [www.healthcare.gov](http://www.healthcare.gov). It is also important for people to take this opportunity to see what other plans are available, to shop around and see whether other plans offer more savings than their current one does, and it is critical to educate our friends and neighbors about these options, given the Trump administration's attempts to sabotage our Nation's healthcare

system. These sabotage attempts include the Department of Health and Human Services slashing the Affordable Care Act's outreach and advertising budgets ahead of open enrollment, which provide key information and resources for those who need to sign up for care. It is clear that the Trump administration doesn't want people to know they can enroll, but that doesn't change the fact that the Affordable Care Act is the law of the land, people can still get covered, and financial assistance is available for many on the healthcare exchange.

We must end this sabotage and continue to work together on efforts to lower costs and build on and improve the Affordable Care Act, and that is exactly what I am focused on.

I was proud to join HELP Committee leaders, Senators Alexander and Murray, to cosponsor bipartisan legislation that would stabilize health insurance markets and lower costs for hard-working Americans. This bill includes a provision that the New Hampshire Insurance Department could use to support its proposal to create a reinsurance pool to help reduce premiums in our State's individual health insurance market. This legislation proves it is possible to work across party lines to make progress in our healthcare system. It is clear that it has the votes to pass. We need Republican leadership to bring it up for a vote.

It is up to all of us to come together and make sure that healthcare is truly available and affordable to all of our people and to encourage our fellow citizens to sign up for the care they need to help their families thrive.

The enrollment period is a critical time for the health and well-being of our citizens and for our productivity, as well, as a country. I encourage Granite Staters to take advantage of this opportunity and receive the benefits that come with affordable healthcare.

Mr. President, I also want to take a moment to address the continued efforts this week from President Trump and my Republican colleagues to push through nominees who will truly reshape our Federal judiciary.

An independent and impartial judiciary is critical to democracy and to our march toward progress. Our Founders established our court system to serve as an independent arbiter that would protect the rights of all Americans and ensure equal justice under our laws. Unfortunately, the nominees who have been selected by the President and who have been voted on throughout this year have been handpicked by far-right groups to serve a conservative agenda. We have seen judicial nominees who have not committed to upholding the precedent of *Roe v. Wade* and protecting a woman's right to make her own healthcare decisions and control her own destiny in doing so, nominees who have stood against basic rights and freedoms for LGBTQ Americans and who have opposed protections for workers' rights. This is unacceptable.

We are voting on lifetime appointments that require a commitment to equal justice, objectivity, and sound judgment. I will continue to oppose judicial nominees who do not live up to those standards, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there is now 30 minutes of postcloture time remaining, equally divided between the two leaders or their designees, prior to a vote on confirmation of the Larsen nomination.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my understanding that I have 25 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would like to address the issue we are voting on in a few minutes. The Senate will vote on the nomination of Michigan Supreme Court Justice Joan Larsen to serve on the Sixth Circuit Court of Appeals.

Though she currently lives in Michigan, Justice Larsen was born in and hails from my State of Iowa. In fact, she and I share the same alma mater, the University of Northern Iowa, for our bachelor's degrees. I have also learned, since meeting Justice Larsen, that her father was the longtime CEO of the Lutheran Services in Iowa. He is now retired, but during the time he was the CEO, he was the very same person with whom I often met for breakfast when he would come to Washington to tell us about the concerns of the Lutheran Services in Iowa. At that time, I never knew I might be speaking in favor of his daughter. I didn't even know of his daughter at that time. So I am proud to see a fellow Iowan and such an eminently qualified nominee be nominated to the Sixth Circuit Court of Appeals.

For those who may not be familiar with her career and accomplishments, a few minutes will give me an opportunity to share them with you. I think you will find, as I have, that Justice Larsen is particularly well suited to serve as a Federal appellate judge.

Justice Larsen has an outstanding academic record, having received numerous awards during her undergraduate and law school careers. Justice Larsen was a Presidential Scholar at the University of Northern Iowa and graduated with the highest honors. She graduated first in her class at the Northwestern University Pritzker School of Law, where she won the Justice John Paul Stevens Award for Academic Excellence and served as editor of the Northwestern University Law Review.

She began her legal career as a clerk for Judge Sentelle on the DC Circuit Court of Appeals and then clerked for Justice Scalia on the U.S. Supreme Court. Following her clerkships, Justice Larsen joined the DC firm of Sidley Austin, one of the largest law

firms in the United States. Justice Larsen spent 2 years as Deputy Assistant Attorney General for the Office of Legal Counsel, where she provided legal advice to the President and executive agencies on difficult issues of constitutional and statutory interpretation.

Justice Larsen has taught constitutional law and criminal law at the University of Michigan Law School since 1998, where she has earned the respect of faculty members and students alike. She won the L. Hart Wright Award for Excellence in Teaching early in her teaching career. In addition to her teaching responsibilities, Justice Larsen ran Michigan's clerkship program, helping hundreds of students and alumni pursue clerkships at the Federal and State levels. As an adjunct professor, she continues to run the law school's Moot Court Program.

Her colleagues at the University of Michigan praised Justice Larsen and wrote:

Even among the talented and ambitious lawyers at an elite law school, Joan stands out for her ability to make the penetrating insight that untangles some knotty problem of statutory interpretation or judiciary doctrine. Especially distinctive, moreover, is the rigor and even-handedness she brings to her analysis.

I will share one more example from that letter because I think it addresses some of my colleagues' concerns, who are on the other side of the aisle, as to her approach to the law.

Her colleagues wrote:

For those of us who have found ourselves on the opposite side of a debate with Joan about a case, a statute, or some broader issue of constitutional history, she has demonstrated time and again that she is both a gracious and intellectually honest partner in the collaborative project of figuring things out. What matters for Joan is not winning but working out the right answer.

Now I bring emphasis to this last sentence.

Even when you disagree with her, it is impossible not to respect her and to take pleasure in the process of refining the issues actually in dispute.

In other words, as I see it, Justice Larsen is and will be a jurist who seeks to find the right answer, never simply one she prefers as a matter of policy.

We can already see from her time on the Michigan Supreme Court that Justice Larsen is a principled jurist with an impressive legal acumen. She has served with distinction on that court since she was appointed in 2015. It happens that she was elected to the position in 2016, in her own right, by a resounding majority, winning every county in Michigan. Colleagues on the court have praised her sharp legal analysis, her clear and crisp writing, and, most importantly, her work ethic.

Outside the courtroom, Justice Larsen is actively involved in volunteer efforts to serve disadvantaged children, and she works with Michigan's veterans, drugs, sobriety, and mental health court programs.

Some of my colleagues have said they will not support the nomination



because Justice Larsen was included on President Trump's short list for the Supreme Court. Is there anything wrong with the President suggesting whom he is going to put on the Supreme Court if he is elected President? If you look at her background, it should be no surprise that she was included on that list. She is an accomplished legal academic, a mainstream jurist, and is well respected on a bipartisan basis throughout the legal community.

Because my colleagues have been concerned about everyone on that list, at her hearing, I asked Justice Larsen when she learned that her name was on that list. She replied: "The date it was announced . . . it was a complete surprise to me."

I also asked her about judicial independence and whether she could rule against the President who nominated her.

She replied:

I would have no trouble ruling against the President who appointed me or any successor President as well. Judicial independence means one thing, one very simple thing—

At this point I want to emphasize—and that is putting the law above everything else, the statutes passed by this body, and the Constitution of the United States. So I would have absolutely no trouble, and, indeed, that would be my duty.

Here is the most outrageous reason I have heard for voting against Justice Larsen. This should surprise a lot of people. Some in the minority have suggested that she is somehow responsible for outside groups running ads that support her nomination in Michigan. The claim that she is responsible for the action of an outside group is ridiculous, and the allegation that these ads are in some way a guarantee of how she will rule in the future is the most absurd thing I have heard based upon her answers to my questions.

I find it interesting that my colleagues who are complaining about conservative groups do not seem to have the same concern for groups on the left that are spending money in opposition to these nominees. One such group, Alliance for Justice, routinely issues reports and press releases on judicial nominees. Oftentimes, these so-called reports put forward incendiary and false criticisms of these nominees. My colleagues even make the same incendiary attacks against the nominees as these outside groups do. In other words, they use the same talking points. I do not hear that my colleagues on the other side are up in arms about their spending millions of dollars to oppose nominees.

Of course, some may remember that last year groups on the left coordinated attacks on this Senator. I was followed all over Iowa by these groups and their members. They ran ads against me and put up billboards that opposed my election, and that had something to do with the Supreme Court, as one might recall. I don't remember hearing any of my colleagues on the other side of the

aisle complain about all of the money those groups were spending at that time.

As I have said before, I expect that outside groups on the left and on the right want to have their voices heard in the nomination process. Isn't that something to do with what we call democracy, representative government, freedom of speech, freedom of association? There is nothing wrong with that, whether it is done by the right or the left, but I take issue with complaints from the other side that do not acknowledge that all sides have interest groups that are spending and engaging in the judicial nomination process. It was completely appropriate for Justice Larsen not to wade in on the political debate regarding those political ads. Her answers to those questions were exactly what I would expect an independent nominee to say, particularly if she wants to be independent of any President who appoints her when she is appointed to the bench.

Justice Larsen's nomination is supported by a broad and diverse coalition of lawyers, judges, and academic colleagues. It is easy to see why, for she is an accomplished and well-respected academic. She is a brilliant and independent jurist. Her careful and well-reasoned legal analysis puts her squarely within the mainstream of legal thought. I urge my colleagues, in a few minutes, to vote for her nomination.

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

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

Mr. GRASSLEY. Mr. President, I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Larsen nomination?

Mr. GRASSLEY. Mr. President, 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 257 Ex.]

YEAS—60

Alexander  
Barrasso

Blunt  
Boozman

Burr  
Capito

Carper	Hatch	Peters
Cassidy	Heitkamp	Portman
Cochran	Heller	Risch
Collins	Hoeben	Roberts
Corker	Inhofe	Rounds
Cornyn	Isakson	Rubio
Cotton	Johnson	Sasse
Crapo	Kennedy	Scott
Cruz	Lankford	Shelby
Daines	Lee	Stabenow
Donnelly	Manchin	Strange
Enzi	McCain	Sullivan
Ernst	McConnell	Thune
Fischer	Moran	Tillis
Flake	Murkowski	Toomey
Gardner	Nelson	Warner
Graham	Paul	Wicker
Grassley	Perdue	Young

NAYS—38

Baldwin	Franken	Murray
Bennet	Gillibrand	Reed
Blumenthal	Harris	Sanders
Booker	Hassan	Schatz
Brown	Heinrich	Schumer
Cantwell	Hirono	Shaheen
Cardin	Kaine	Tester
Casey	King	Udall
Coons	Klobuchar	Van Hollen
Cortez Masto	Leahy	Warren
Duckworth	Markey	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	

NOT VOTING—2

McCaskill Menendez

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Mitch McConnell, Steve Daines, Tom Cotton, Pat Roberts, John Boozman, Mike Rounds, Patrick J. Toomey, John Barrasso, Cory Gardner, Richard Burr, Thom Tillis, Roger F. Wicker, James E. Risch, John Cornyn, Lamar Alexander, Dan Sullivan, Chuck Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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