

creating this false narrative? Perhaps it is because right now there is a lot of pressure on the majority to show that they are getting something done, and not much is happening that will help anyone in this country. They tried to get something done by trying to strip healthcare from 20 to 30 million Americans in 5 different versions of the TrumpCare monster. They didn't quite get it done, thankfully. And I doubt that the American people—in fact, I know that they certainly would not have been appreciative of the bill in which my Republican colleagues said: Let's strip all this healthcare away from 20 to 30 million people so we can give massive, multitrillion-dollar tax benefits, tax giveaways to the very richest Americans.

Wow. That is certainly not a way to win the hearts and minds of Americans—attack working Americans time after time in order to deliver the National Treasury to the very richest Americans. Perhaps my colleagues will be glad they didn't succeed in that effort.

Now there is a tax plan on the floor—a tax plan being considered that will once again take \$1.5 trillion out of healthcare to deliver several trillion dollars to the richest 1 percent of Americans. We see it time and time again—attack working Americans to deliver incredible gifts from the National Treasury—really a raid on Fort Knox. Has ever such an audacious theft been considered previously in U.S. history than the theft that my colleagues are trying to perpetuate both through the healthcare strategy and now through this tax strategy?

But there is a bigger purpose at work here, and that is a goal to rewrite the vision of our Constitution. Our Constitution has this incredibly powerful, meaningful vision of government of, by, and for the people, but my colleagues don't like that vision, and they decided that the best way to change it is to put people onto the court who like a different vision—government of, by, and for the privileged and the powerful. We saw it in their healthcare bill, we see it in their tax bill, and now we are seeing it in their nomination strategy to the court—a GOP agenda that will tip the scales of justice to favor the powerful and privileged over working Americans; judges who want to legislate from the bench on behalf of the powerful; judges who want to legislate from the bench on behalf of the privileged, who want to support predatory consumer practices, who want to strip away individual rights of women to determine their own healthcare, who want to deny a fair day in court by allowing binding arbitration where the seller of the services gets to pick and pay for the judge. Judges, rather than pursuing neutrality, are pursuing government for the powerful—that is the radical rightwing agenda attack on working America.

We should do all that we can to stop it, including having opposition in this Chamber.

NOMINATION OF STEPHANOS BIBAS

This week, we will have Stephanos Bibas, President Trump's nominee to the Third Circuit Court of Appeals, who believes that overincarceration in our jails has nothing to do with race or with mandatory minimums despite all of the research and data that show otherwise.

He takes on and disagrees with the experts on medical care, who understand the fundamentals of addiction. He says, simply, though drug addiction is painted as a disease that requires medical intervention, all of that is unnecessary. Drug addicts can just stop using drugs. If only it were that easy. He has such a profound misunderstanding of the basic healthcare issue. Person after person after person on both sides of this aisle has come to say that opioid addiction is an addiction that needs medical treatment; yet he is a nominee who does not understand any of that.

He also believes that when it comes to legal sentences, corporal punishment should be applied that is “public, shameful, and painful.” Perhaps the understanding of rare and unusual punishment was something missing in his legal education.

Let's look at his 2 years as a prosecutor in the Southern District of New York—the notable case of *United States v. Williams*, which the New York Times described at the time as a “legal legend in the making.” They did not say that because of its being a wise or insightful decision. He was working as a prosecutor, and he wanted to really go after the little guy.

He used his position to marshal prosecutorial, law enforcement, and court resources to bring charges against a cashier at a veterans hospital who had been accused of stealing \$7—not \$7,000, not \$700,000, and not the \$700 million or \$1 billion being laundered by a big bank but the accusation of a cashier who had stolen \$7. Stealing is never acceptable and never appropriate, but it did not matter that the cashier maintained that she had given the seven crinkled \$1 bills that she had straightened out or that the security cameras did not show her pocketing them or that the customer who was right there saw it and stated that she was innocent. It did not matter. None of those facts mattered. He wanted to go after the little guy rather than go after the big folks who steal us blind.

The morning of the trial comes around, and a detective testifies that he found those seven \$1 bills in the cash register, just as the customer had stated. Meanwhile, this nominee saw fit to spend huge amounts of Federal resources in going after an individual who, by every form of testimony, had not committed a crime in the first place. It is easy to go after the little people, and if you believe in government by and for the powerful and the privileged, as these nominees do, then that is your mission in life—to go after the little people. Yet she lost out be-

cause, even though she was innocent, she lost her job due to her prosecution.

Then there is Joan Larsen, who is the President's nominee for the Sixth Circuit Court of Appeals, a nominee who was added at the last moment to another circuit court nominee's confirmation hearing, which was against the Senate's practices and against minority opposition. Why do you add someone at the last moment? It is to ensure that the committee does not have enough time to adequately review her record. That is always a cause for suspicion—someone is changing the procedure so that a person's record cannot be reviewed before the committee sits down to the hearing.

This is probably fitting with Ms. Larsen's long-held disdain for the legislative branch. She coauthored a law review article that stressed the importance of protecting the President from Congress, she said, “the most dangerous branch of government.”

She goes on to denigrate the use of committees in Congress. She says that Congress has maintained an extensive, costly, extra-constitutional network of committees that watch over the work of Cabinet departments because “the ambition and love of power of our Senators and Representatives caused them to lust after the patronage and media glory that a committee post could bring.”

Is there any deeper or more profound misunderstanding of the committee process here in Congress? Does she have any idea that the reason we have committees is that there are complex topics? As President Trump said: Who knew healthcare could be so complicated? So you have a committee of members that specializes in that effort, that learns the details so that it can fairly consider the ideas for legislation. It has very little to do with ambition and a love of power and a lust for patronage. There really is not patronage on a committee. We, the members, do not hire the staff.

With her being someone with such a profound misunderstanding of the branches of government, why do my colleagues say that they want her in there? Is it because of this vision of a government that is by and for the powerful that takes on the little people, beats them up, squeezes them dry, and delivers the benefits to the richest in our society on every single issue—on healthcare, on taxes, on judicial appointments?

NOMINATION OF ALLISON EID

Then we have Allison Eid, President Trump's nominee for the Tenth Circuit Court of Appeals. She holds the seat that was previously held by Neil Gorsuch before a seat was stolen from one administration and delivered to the next for the first time in U.S. history—a complete denigration of the integrity of this body and the legitimacy of the Court, a mar in the record of this Chamber that knows no equal in decades. Yet there she is in that seat, adhering to an extraordinary degree of

ultraconservative, partisan, we-the-powerful-and-privileged philosophy.

She opposes the use of eminent domain to seize properties to be used for a public purpose—public parks and highways—as is the purpose of eminent domain. Yet she supports the use of eminent domain to rip away a piece of property from individuals—private property owners—in order to give it to a for-profit corporation, which is the opposite of the purpose of eminent domain—once again, an individual hating, if you will, of public purpose and a ripping away of individual rights—destroying them—on behalf of a for-profit corporation.

She has advocated for narrowing the scope of the Federal Government's legislative powers to such a degree that it would be virtually impossible to protect clean air, clean water, and civil rights. She has attacked the increasing of funding for public schools while she has supported sending public funds to private religious schools.

This path of using legislation like the healthcare bill and legislation like this tax bill to crush working America on behalf of the very wealthy is simply wrong, and it is wrong to do it by trying to pack the court, and we need to do everything that we can to stop it.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 443 through 454 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stayce D. Harris

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul J. LaCamera

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Twanda E. Young

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Roger D. Murdock

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. Thompson

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Ralph L. Schwader

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Donald B. Absher

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Richard E. Angle

Col. Milford H. Beagle, Jr.

Col. Sean C. Bernabe

Col. Maria A. Biank

Col. James P. Bienlien

Col. Brian R. Bisacre

Col. William M. Boruff

Col. Richard R. Coffman

Col. Charles D. Costanza

Col. Joy L. Curriera

Col. Johnny K. Davis

Col. Robert B. Davis

Col. Thomas R. Drew

Col. Michael R. Eastman

Col. Brian S. Eifler

Col. Christopher L. Eubank

Col. Omuso D. George

Col. William J. Hartman

Col. Darien P. Helmlinger

Col. David M. Hodne

Col. Jonathan E. Howerton

Col. Heidi J. Hoyle

Col. Thomas L. James

Col. Christopher C. Laneve

Col. Otto K. Liller

Col. Vincent F. Malone, II

Col. Charles R. Miller

Col. James S. Moore, Jr.

Col. Michael T. Morrissey

Col. Antonio V. Munera

Col. Frederick M. O'Donnell

Col. Paul E. Owen

Col. Walter T. Rugen

Col. Michelle A. Schmidt

Col. Mark T. Simerly

Col. Michael E. Sloane

Col. William D. Taylor

Col. William L. Thigpen

Col. Thomas J. Tickner

Col. Matthew J. Vanwagenen

Col. Darren L. Werner

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Keith Y. Tamashiro

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eric P. Wendt

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Christopher W. Grady

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Bruce H. Lindsey

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1125 AIR FORCE nominations (2) beginning JAMES A. FANT, and ending DUSTIN D. HARLIN, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1126 AIR FORCE nomination of Erik M. Mudrinich, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1127 AIR FORCE nominations (152) beginning SCOTT M. ABBOTT, and ending KRISTINA M. ZUCCARELLI, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

IN THE ARMY

PN642 ARMY nomination of Adrian L. Nelson, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN654 ARMY nomination of Todd M. Chard, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN957 ARMY nomination of Tristan D. Harrington, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN1128 ARMY nomination of David S. Lyle, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1129 ARMY nomination of George B. Inabinet, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1130 ARMY nominations (13) beginning BENJAMIN A. BARBEAU, and ending BLAIR D. TIGHE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1131 ARMY nominations (3) beginning GARRETT K. ANDERSON, and ending ROGER D. PLASTER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1132 ARMY nominations (77) beginning JOSHUA A. AKERS, and ending D013005, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1133 ARMY nominations (325) beginning JONATHAN L. ABBOTT, and ending BOVEY Z. ZHU, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1134 ARMY nominations (6) beginning JANETTA R. BLACKMORE, and ending JEFFREY E. OLIVER, which nominations