

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 or 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?