

thrown out, that will be the end of the requirement that health insurance companies have to cover prescription drugs. Patients will be forced into junk insurance plans that don't cover the care they actually need. Millions of people of limited means would be kicked off their Medicaid coverage. Millions of seniors would face higher drug costs.

The bottom line: If this case is successful, it will launch a forced march back to the days of yesteryear when healthcare was for the healthy and the wealthy. The reason I say that is that is the way it used to be. If you had a preexisting condition in the past, you were just out of luck unless you had an enormous amount of money. The only people who really could benefit were people who were healthy and people who were wealthy. The Affordable Care Act changed that. More than 100 million people got a lifeline protection against discrimination if they had a preexisting condition.

If the lawsuit succeeds, the biggest winners are going to be the largest of the insurance companies and the drug manufacturers. They would get the power they need to once again walk all over the American people.

Here is the kicker: There is no replacement plan if the Affordable Care Act is wiped out. The President keeps saying he has a big, beautiful healthcare plan, and we always get the sense—it reminds you of the movie house in the old days where it would say: Coming soon. Movie coming soon. But it never actually gets there. There is never a grand unveiling, and that is because there isn't a backup plan. This is just an ideological crusade to make winners out of the most powerful corporations and losers out of millions of working Americans.

Democrats in this Chamber have proposals ready to go to take a better path, a better approach, and to protect the healthcare of our people, blocking Trump's lawyers from using taxpayer dollars to destroy the Affordable Care Act, banning junk insurance, which isn't worth much more than the paper it is written on, and standing four-square behind protecting people with a preexisting condition.

That is what the Senate ought to be working on so the Trump administration can't bring on a healthcare nightmare for millions and millions of Americans.

One of our most valuable members of the Senate Finance Committee has joined us now, Senator CORTEZ MASTO, and I am happy to yield to her to close our time before the vote.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Madam President, I want to talk today about Kyle Bailey from Sparks, NV. Kyle is 27 years old, and he is an amazing success story. He was born with cystic fibrosis, a genetic condition that affects the lungs and digestive system, making it hard to breathe normally or absorb nutrients.

Cystic fibrosis has no cure, so patients like Kyle spend hours every day on treatments to keep themselves as healthy as possible. With good medical care and lifesaving medications, he has been able to live a full life, creating music and artwork. He is engaged to be married.

Yet Kyle lives in fear. He is afraid he will lose his health insurance and coverage for treatments that keep him alive. That could happen if the Republican Party succeeds in its latest attempt to use the courts to attack the Affordable Care Act and to end its protections for preexisting conditions.

Just today, a Federal appeals court has heard more arguments about whether the ACA is constitutional. On one side are patients like Kyle; on the other side are the Trump administration and 18 Republican State attorneys general, who all want the court to strike down the Affordable Care Act.

We have seen it before. The Republicans have tried to defeat the ACA in Congress and in the courts over 100 times, and each time they have failed because the American people have raised their voices and said: Stop. We want our healthcare coverage.

But just because the ACA survived those attacks doesn't mean it is safe. It is especially scary for those who gained coverage and peace of mind thanks to the Affordable Care Act's strong safeguards for patients.

One of the most important parts of the ACA is its guaranteed protections for people with preexisting conditions. Insurers used to be able to discriminate against people because of their medical history. They would weed out people who were born with genetic conditions, like Kyle, or people who had gotten seriously ill, like Ivy Batmale from Incline Village. At 5 years old, Ivy was diagnosed with acute lymphoblastic leukemia, one of the most common childhood cancers. Ivy beat leukemia, but the years of harsh therapy triggered a reaction that affected her legs. Ivy was told that she would never walk again. She spent years in wheelchairs undergoing surgery and other treatments.

With costly therapies, Ivy got better. This spring, she and her family marched into breakfast with me right here on Capitol Hill to advocate for childhood cancer research. But Ivy, like other childhood cancer survivors, has had lingering health conditions over the course of her life and will need careful monitoring until she is 40 years old. That is why if Republicans give insurance companies the choice, insurers will either refuse to cover people like Ivy and Kyle or they will charge sky-high rates. The ACA keeps the insurance companies from doing that. If judges strike down the ACA, people like Ivy and Kyle will be endangered through absolutely no fault of their own.

Some people may hear stories about Kyle and Ivy and think, well, that is very sad, but it can't affect that many

people. That is wrong. In Nevada alone, in 2015, 1.2 million people under 65 had preexisting conditions. That is half of the nonelderly residents of the State.

A preexisting condition could be as rare as childhood cancer or as common as pregnancy. That means every other Nevadan can face increased insurance rates if the ACA is struck down.

I have met families at roundtables across the Silver State whose kids are some of the 44,000 Nevada children with asthma. Just last week in Las Vegas, I talked to 12-year-old Joey Douglas. Joey's asthma often keeps him from school and sometimes lands him in the hospital for days. He told me that even when he is struggling to breathe, his biggest concern is whether his mom will be able to pay his medical bills. These kinds of worries are the reason that when Kyle wrote to me, he asked me to speak out for people who don't have a voice in healthcare policy in this country—people who are afraid that losing the ACA could mean losing protections that have allowed them to grow up, start a family, follow their passions, and live their lives to the fullest.

Today and every day I am here to fight for people like Kyle and Ivy and countless Nevadans like them. I have repeatedly urged the President and Department of Justice to come down on the side of patients in the Texas case. I have cosponsored legislation to get rid of junk healthcare plans that let insurance companies make an end run around ACA protections for people with preexisting conditions, and I am committed to protecting and strengthening the ACA for all Americans but especially for people like Kyle, Ivy, and Joey.

So I am calling on this President and Republicans in Congress to do what we can to make sure that the Affordable Care Act is not repealed and that we are fighting for healthcare insurance for everyone.

I yield the floor.

NOMINATION OF DANIEL AARON BRESS

Mr. DURBIN. Madam President, this week, the Republican leader, Senator MCCONNELL, has scheduled a vote on a nominee to fill a Ninth Circuit seat based in California.

But the nominee, Daniel Bress, is a Washington, DC, lawyer who has only lived in California for 1 year since high school.

Mr. Bress checks many of the usual boxes that we see for Republican judicial nominees: He is very young—only 40 years old—he has a track record of representing big corporate interests, and he is a longtime member of the Federalist Society.

But what is new and different about this nominee is that, by any reasonable standard, he is not a member of the legal community of the State in which he would sit if confirmed.

Mr. Bress is listed by the California bar as an out-of-State attorney. He belongs to no legal societies or organizations in California. He has only worked

on a handful of matters in California courts.

He doesn't own property in California or even have a California driver's license. Mr. Bress's nomination is opposed by California's two Senators, neither of whom have provided a blue slip. He was reported out of the Judiciary Committee with opposition from all committee Democrats.

To my Republicans colleagues, I say this: The vote on the Bress nomination will set a precedent that could come back to haunt your State.

Any Senator who votes to confirm Mr. Bress is giving their blessing to a process that could cause an out-of-state attorney to be seated in a circuit court judgeship in your own State, over the objection of your State's Senators.

There are thousands of well-qualified attorneys living and practicing in California whom the Trump administration could have selected for this California-based Ninth Circuit seat. They bypassed all of them in favor of a Washington, DC, attorney with minimal California ties.

There have been many breakdowns in the Senate's process for confirming judicial nominees under this Republican majority. If the Senate votes to confirm Mr. Bress, it would represent yet another new precedent that diminishes the Senate's advice and consent process. I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Florida.

ORDER OF PROCEDURE

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the first vote in the series be 10 minutes in length.

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

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

Mr. SCOTT of Florida. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 191 Ex.]

YEAS—53

Alexander	Cornyn	Graham
Barrasso	Cotton	Grassley
Blackburn	Cramer	Hawley
Blunt	Crapo	Hoeven
Boozman	Cruz	Hyde-Smith
Braun	Daines	Inhofe
Burr	Enzi	Isakson
Capito	Ernst	Johnson
Cassidy	Fischer	Kennedy
Collins	Gardner	Lankford

Lee	Risch	Shelby
McConnell	Roberts	Sullivan
McSally	Romney	Thune
Moran	Rounds	Tillis
Murkowski	Rubio	Toomey
Paul	Sasse	Wicker
Perdue	Scott (FL)	Young
Portman	Scott (SC)	

NAYS—45

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Harris	Peters	Wyden

NOT VOTING—2

Gillibrand	Sanders
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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 actions.

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 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 T. Kent Wetherell II, of Florida, to be United States District Judge for the Northern District of Florida.

Mitch McConnell, Kevin Cramer, Mike Crapo, Marco Rubio, John Kennedy, Thom Tillis, James M. Inhofe, Rob Portman, Johnny Isakson, John Thune, John Boozman, Cory Gardner, Steve Daines, Richard C. Shelby, Pat Roberts, Lindsey Graham, John Hoeven.

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 T. Kent Wetherell II, of Florida, to be United States District Judge for the Northern District of Florida, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

This is a 10-minute vote.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—82

Alexander	Feinstein	Perdue
Barrasso	Fischer	Peters
Bennet	Gardner	Portman
Blackburn	Graham	Reed
Blunt	Grassley	Risch
Boozman	Hassan	Roberts
Braun	Hawley	Romney
Brown	Heinrich	Rosen
Burr	Hoeven	Rounds
Cantwell	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cardin	Isakson	Scott (FL)
Carper	Johnson	Scott (SC)
Casey	Jones	Shaheen
Cassidy	Kaine	Shelby
Collins	Kennedy	Sinema
Coons	King	Sullivan
Cornyn	Lankford	Tester
Cortez Masto	Leahy	Thune
Cotton	Lee	Tillis
Cramer	Manchin	Toomey
Crapo	McConnell	Udall
Cruz	McSally	Warner
Daines	Moran	Whitehouse
Duckworth	Murkowski	Wicker
Durbin	Murphy	Young
Enzi	Murray	
Ernst	Paul	

NAYS—16

Baldwin	Markey	Stabenow
Blumenthal	Menendez	Van Hollen
Booker	Merkley	Warren
Harris	Schatz	Wyden
Hirono	Schumer	
Klobuchar	Smith	

NOT VOTING—2

Gillibrand	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16.

The motion is agreed to.

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 bill 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 Damon Ray Leichty, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mitch McConnell, Roy Blunt, John Barrasso, Pat Roberts, Mike Crapo, John Cornyn, John Thune, Kevin Cramer, Roger F. Wicker, John Boozman, John Hoeven, Thom Tillis, Johnny Isakson, Tim Scott, Mike Braun, Richard Burr, Lindsey Graham.

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 Damon Ray Leichty, of Indiana, to be United States District Judge for the Northern District of Indiana, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

This is a 10-minute vote.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.