

Senator CASEY. It is called the Over-the-Counter Monograph Safety, Innovation and Reform Act.

I am sure it will get a big vote of approval, and like a lot of other very important things that are done in the Senate that are very, very difficult to do, it will look easy.

It hasn't been easy. It has taken a long time—nearly a half century. It was the one thing that the FDA said we just can't get done. That was in 2016, 3 years ago, and now Senator ISAKSON and Senator CASEY are getting it done.

It is the most important law affecting the safety, innovation, and cost of over-the-counter drugs since the 1970s.

It is a great testament to Senator ISAKSON's leadership and legislative skill. He, of course, is leaving the Senate at the end of this year, and this is a fitting tribute to his work.

In the same way, I thank Senator CASEY of Pennsylvania for his excellent work, in bipartisan fashion, with Senator ISAKSON on this bill. They both deserve great credit and thanks for getting this update across the finish line. It may look easy, but what they have done is something that hasn't been changed for nearly a half century and that the Food and Drug Administration said was the one thing that needed to be done to help consumers to affect the availability, the safety, the cost, and the innovation of drugs that are sold across the counter that are not prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

HEALTHCARE

Ms. HASSAN. Mr. President, I rise to join my Democratic colleagues who have come to the floor in recent weeks to share stories from our constituents about the need to protect and improve healthcare.

Throughout the last 3 years, the Trump administration and Republicans in Congress have been relentless in their attempts to undermine our healthcare system, and their efforts have increased costs and made it harder for patients to access the care they and their families need.

Instead of working to improve our healthcare system and ensure that it is actually working for patients, this administration and some of my Republican colleagues have actively sought to do the opposite, and that has very real implications for the people we serve.

Take, for example, Cassandra Van Kuren of Manchester, NH. Cassandra is a 26-year-old who is passionate about fitness and staying healthy. That is why it was so devastating that a week before she turned 25, she got the news that she had been diagnosed with type 1 diabetes.

Cassandra's life had been turned upside down, and after her diagnosis, she was immediately hit with another shocking blow: the costs associated with her condition.

Within the first week of her diagnosis, she was forced to max out her

credit card, and to this day she is still paying back all of the bills she accumulated within her first month of being diagnosed.

Soon after, she lost her job because she missed so much work. She then went to work with her husband at the gym they own in Manchester and was able to get health insurance through the business.

Still, the costs remain enormous. On average, Cassandra has to spend \$150 a month on insulin costs alone after insurance. Her premium is over \$400 per month, and every 3 months she accumulates bills of over \$500 due to the cost of appointments and equipment. And, sadly, Cassandra and her husband are nervous about starting a family because their costs for care would grow even higher. The amount of insulin a woman with type 1 diabetes needs increases three times when she is pregnant.

Cassandra's story is an example of why we need to improve our healthcare system and also why we can't afford to allow Washington Republicans to pull us backward.

The administration is backing a partisan lawsuit—the result of which we will know soon—which would take healthcare away from millions of Americans, gut protections for pre-existing conditions, end Medicaid expansion, and eliminate the requirement that insurers must cover prescription drugs, maternity care, mental healthcare, substance abuse treatment, and so much more.

With the support of Senate Republicans, the administration has promoted what are appropriately referred to as junk health insurance plans. These junk plans allow insurance companies to discriminate against Americans who experience preexisting conditions, and they also leave patients with higher healthcare costs and worse insurance coverage.

The administration has opposed certain efforts to lower the costs of prescription drugs, in particular, allowing Medicare to negotiate prices on life-saving drugs, including insulin. These actions are unacceptable.

Families in New Hampshire and all across the country cannot afford these reckless attacks on their healthcare, and they want us to work together on constructive bipartisan solutions that improve their lives and lower their costs, not this constant uncertainty and sabotage.

The efforts of people like Cassandra, who have shared their stories in an attempt to shine a light on the challenges that patients are experiencing, are incredibly important. No one should have to share their most deeply personal healthcare stories and plead for lawmakers not to undermine their health coverage, but that is where we are. I am incredibly grateful for those who have had the courage to speak out. I will continue to share their stories, and I will continue working with anyone who is serious about actually im-

proving our healthcare system, not undermining them.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF LAWRENCE VANDYKE

Ms. ROSEN. Mr. President, I stand here today in opposition to the nomination of Lawrence VanDyke to the Ninth Circuit Court of Appeals in Nevada, and I stand here today because I think we can all agree—no matter where you are from—that Federal judges in our States should come from our communities, and they should reflect our communities.

It is unfortunate to see this Chamber disregard Nevada's voice and move forward with Mr. VanDyke's nomination. The State of Nevada has numerous qualified lawyers and judges who have done good work and have good reputations in our communities, who are non-partisan, and who would make excellent additions to the Ninth Circuit. But the White House didn't nominate any of these qualified individuals for the Ninth Circuit. Instead, the President nominated Lawrence VanDyke, a man who wasn't born in Nevada, didn't grow up in Nevada, didn't go to school in Nevada, and doesn't live in Nevada now. He hasn't even set foot in Nevada for over a year.

This administration has nominated someone to serve on the Nevada seat of the Ninth Circuit who—and let me be clear—is not a Nevadan. Mr. VanDyke is, however, a Washington, DC, lawyer and failed political candidate from Montana who was nominated to further his and this administration's extreme political views.

His nomination is being imposed on the people of Nevada, despite the many qualified individuals in our own State—individuals who are respected on both sides of the aisle.

As if Mr. VanDyke's lack of any meaningful connection to the State of Nevada wasn't enough, Mr. VanDyke is not even qualified to hold this post, according to the American Bar Association. In reviewing this nominee and speaking with dozens upon dozens of his former colleagues, the ABA found Mr. VanDyke specifically “not qualified” to serve in this role. The ABA has made that finding for only 3 percent of President Trump's judicial nominees, and Mr. VanDyke is the first in a small group whose nomination will move forward without—let me repeat: without—the support of either Senator representing the State where he will sit on the bench if confirmed. That we would allow someone who is not qualified to hold a lifetime position in such a critically important role is, frankly, absurd, and it is something no Senator should support, no matter the party of the President who nominated them.

The ABA's report found Mr. VanDyke to be lacking in knowledge of day-to-day practice, including procedural rules. The report found Mr. VanDyke to be lacking humility and an open

mind, and the ABA's report found Mr. VanDyke to be lacking a commitment to the truth.

In order to see how the ABA came to this conclusion, one only needs to look at Mr. VanDyke's record of pursuing an ideological agenda instead of working for the people and defending the law. In his past role as attorney general of Montana, he filed many politically driven briefs, including one asking the Supreme Court to strike down *Roe v. Wade* altogether, a view that is out of step with the views of Nevadans. He even signed the State onto one brief without reading it, by his own admission.

Mr. VanDyke has also made controversial and appalling statements about LGBTQ Americans, writing this: "[There is] ample reason for concern that same-sex marriage will hurt families, and consequentially children and society."

Mr. VanDyke was given every opportunity to disavow this statement and repeatedly declined to do so. Allowing Mr. VanDyke to serve on the Ninth Circuit would put at risk the rights of thousands of LGBTQ Americans to employment, healthcare, housing, and basic equal treatment in what is often the court of last resort.

Surely you must agree, no matter who is President or who controls the Senate, you would want qualified judges with connections to the State who will be fair to your constituents and not use cases to advance their personal ideological agenda.

I oppose the nomination of Mr. VanDyke, and if it is withdrawn or voted down, I will be ready at a moment's notice to work with this White House in finding a fair, qualified, and non-partisan nominee from Nevada. The people of my home State and yours deserve nothing less.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bumatay nomination?

Mr. HEINRICH. 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.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator

from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 387 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—40

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

NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mike Crapo, Thom Tillis, Chuck Grassley, Jerry Moran, Kevin Cramer, John Barrasso, Mike Braun, Joni Ernst, Pat Roberts, John Cornyn, Roy Blunt, John Thune, Lindsey Graham, Roger F. Wicker.

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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth 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 Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—40

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

NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The PRESIDING OFFICER. The yeas are 53, the nays are 40.

The motion is agreed to.

EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.