

out and threw the first pitch. We had a wonderful time.

The reason I tell that story is, during the course of that baseball game, as we sat together at Wrigley Field, I noticed that several times she tested herself and her blood sugar because of the diabetes she battles with every day. That is not an uncommon experience with diabetics.

What is uncommon is what has happened to the price of insulin facing people with diabetes in America. You have to go back almost 100 years to the discovery of insulin. This is not a drug that just appeared on the market.

Almost 100 years ago, researchers in Canada ended up discovering insulin extracted from animals, and they ended up making it available to Americans and everyone, for that matter, because they surrendered their patent rights. Those who discovered insulin said: We don't want to make money off of this. This is a lifesaving drug.

Over the years, insulin has evolved from human-based insulin to what is known as analogue insulin and synthetic insulin in different dosage, but the fundamental chemical that is saving the lives of those who suffer from diabetes has been known for almost a century.

What has happened to the cost of the insulin that has been around for many decades? It has risen dramatically. Last week, I took to the floor for the first pharma fleecing award, which went to the three companies that make insulin and sell it in America today. Those companies are Sanofi, Novo Nordisk, and Eli Lilly.

I took them to task for this increasing cost of insulin, a drug that has been around for so long. They are just raising the cost way beyond the reach of many people who have to pay for this lifesaving drug. I told the story of a young man covered by his parent's insurance—thanks to ObamaCare, the Affordable Care Act—who, when he reached age 26, was on his own, managed a restaurant, couldn't afford the insulin dosage that was required, rationed his own insulin, and died as a result of that decision.

I made the point on the floor of the Senate that these pharmaceutical companies are not sensitive to the reality of life and death in what they are charging Americans for the cost of insulin.

Yesterday, there was a news flash. Eli Lilly, a pharmaceutical company, one of the producers of insulin products, announced that they were going to reduce the cost of a generic form of insulin known as Humalog to \$140 a dosage. That is bringing it down from as much as \$329 to \$140—dramatic.

Let's put this in perspective for one moment. We checked the records, and it turns out you can buy that exact product made by that same company for sale in Canada for as little as \$38. They are expecting—I think Eli Lilly is expecting all of us to send flowers to their corporate headquarters in Indian-

apolis—to send flowers because they reduced the cost of their drug from \$329 to \$140 a dosage. I am not going to send them any flowers, and I am not going to express any great gratitude. They are charging Americans, under this new bargain approach, almost four times what Canadians are paying for exactly the same product—four times.

To the other drug companies involved in this that are producing insulin: America is watching. If you are going to continue to kite the cost of this lifesaving drug, pressure is going to grow politically even to the point where the U.S. Senate may take action. I think that day is coming.

So, for Eli Lilly: Nice first step. When you bring the cost of insulin in the United States for the same products that you are selling in Canada to the same level, then I will send you some flowers.

#### NOMINATION OF ALLISON JONES RUSHING

Mr. President, we have three judges before us on the floor of the Senate this week. It turns out that the filling of judicial vacancies is the highest single priority of the Republican leadership in the Senate.

Senator MITCH MCCONNELL, the Republican leader, has gone to extraordinary, precedent-breaking lengths to fill vacancies. Of course, the most notorious example was when Senator MCCONNELL, then in charge of the Republican majority, announced that despite the death of Justice Scalia and a vacancy on the highest court of the land, he would refuse to fill that vacancy for almost 1 year because President Obama was in office.

The man President Obama wanted to put in that position, Merrick Garland from the D.C. Circuit Court, was widely respected by Democrats and Republicans alike, but his qualifications meant nothing to Senator MCCONNELL. The end game, in his mind, was the chance that a Republican President might be elected and fill that vacancy with a Republican nominee.

Well, Senator MCCONNELL's dream came true when Donald Trump was elected President, and he turned around and nominated Justice Gorsuch, who now serves on the Supreme Court, filling the Scalia vacancy. That was the most extreme example that we have, in the history of the U.S. Senate, of the defiance of tradition and precedent, a defiance by Senator MCCONNELL with one goal in mind: to make sure that the judicial branch of our government became a political branch of our government, to make sure that as many Republican conservatives, some with the most extreme views, were appointed to the bench. That has been his goal, and he pursues that goal to this day.

There are three nominations before us that amply demonstrate his efforts. When Donald Trump became President, Senate Republicans stopped their obstruction of judicial nominations and started moving nominations through at a breakneck speed.

During the last 2 years, Republicans in the Senate bragged about filling the courts with Trump nominees at record pace. The Republican philosophy, when it comes to Trump judges, seems to be, in Senator MCCONNELL's words, "plow right through" no matter how questionable the nominee's credentials or judgment.

There are three more confirmation votes scheduled this week. Let me tell you about these nominees whom they want to put on the court.

Allison Jones Rushing is President Trump's nominee to fill a North Carolina seat on the Fourth Circuit Court of Appeals. For those who are students of the Constitution, you know that the circuit court of appeals is the highest court below the Supreme Court.

Allison Jones Rushing checks a lot of the standard Trump nominee boxes. She is a member of the Federalist Society, an absolute requirement if Trump is going to nominate you for a lifetime appointment to the Federal bench, and—this is a recurring theme as well—she clerked for Supreme Court Justice Clarence Thomas.

She is 36 years old. She has practiced law for 9 years. How many cases has she tried to verdict or judgment? Four. Has she been the lead attorney on any of those cases? No. She is not a member of the bar association of the State of North Carolina, the State in which she would sit if she is confirmed. That is the most scant, weakest legal resume imaginable for someone who is seeking a lifetime appointment to the second highest court of the land.

At our hearing—which, by the way, was held during a Senate recess over the objection of committee Democrats; we weren't even in town when her hearing was scheduled—Senator KENNEDY of Louisiana, who is becoming famous for this, started questioning her about her breadth of legal experience.

Senator KENNEDY is a real lawyer. On the Republican side, he has put some of Trump's nominees on the spot by asking them some pretty tough questions about legal procedure in a courtroom.

Senator KENNEDY said: "I think, to be a really good federal judge, you've got to have some life experience." Ms. Rushing struggled to describe how her life experience actually prepared her for this lifetime appointment to the second highest Federal court.

Senator KENNEDY made a valid point. The fact that a judicial nominee meets all of the litmus tests of being a loyal Republican doesn't mean the nominee has the experience or the legal ability to be a good Federal judge. It is inconceivable to me that in the State of North Carolina, they couldn't find a qualified and experienced conservative Republican judge.

The Federal circuit courts are critically important. Since the vast majority of cases don't reach the Supreme Court, the circuit courts are often the last word. This is a position where experience matters, and, unfortunately, Ms. Rushing doesn't have enough of it. I am going to oppose her.

## NOMINATION OF CHAD A. READLER

Mr. President, the second nominee is Chad Readler, a 46-year-old attorney in the Trump Justice Department. When he was nominated to another circuit court of appeals, the Sixth Circuit, it was a clear sign of the Trump administration's strong negative feelings about the Affordable Care Act and the fact that that act covers preexisting conditions.

Mr. Readler filed the Trump administration's brief in the *Texas v. United States* case, in which he opposed the Affordable Care Act's preexisting coverage requirement. Do you remember that issue from the last election? It was a big one. It might have been the biggest one.

We basically said that we think health insurance should be available to you even if you don't have a perfect medical record. And who does? Hardly any of us. Certainly, each of us knows someone in their family who struggles with a medical challenge, and without a perfect medical record, you can be denied insurance or charged premiums you can't pay, unless you have the protection of the law. The law is known as the Affordable Care Act, or ObamaCare.

Mr. Readler argued that this requirement of covering people with preexisting conditions, which benefits tens of millions of Americans, had to be stricken from the law. The brief Mr. Readler signed was deeply controversial. Our colleague Senator LAMAR ALEXANDER, Republican from Tennessee, called the argument that Mr. Readler made in his brief opposing ObamaCare "as far-fetched as any I ever heard." Thank you, LAMAR.

Two Department of Justice attorneys withdrew from the case when they were asked to sign the crazy arguments in this brief, and a senior Department of Justice litigator resigned in protest of the bizarre arguments that Mr. Readler signed up for.

However, almost immediately, after Mr. Readler signed this crazy brief, he was nominated by the White House for a lifetime appointment to a Federal judiciary.

What message is the Trump administration sending with this nomination? They are doubling down on their attack on coverage of people with preexisting conditions. They are putting in a lifetime appointment a circuit court judge who will be watching for vindication. They are rewarding those who have led the fight against the preexisting coverage requirement. This is deeply troubling.

That is not my only concern with Mr. Readler. He has also defended the Trump administration's unconscionable family separation policy. Do you remember that one? Remember when, in March of last year, Attorney General Sessions came forward and proudly announced the family separation policy? Do you remember then that 2,800 infants, toddlers, and children were forcibly, physically removed from their

parents and placed in detention and that these infants, toddlers, and children were then lost in the system? They didn't keep a computer check on where they were sent or who their parents were.

It took a Federal judge in San Diego, CA, to mandate and require this administration to account for these children. It is one of the most shameful chapters in recent American history, and, of course, Mr. Readler, this nominee, defended it.

He argued in favor of the Trump administration's efforts to end the DACA Program—790,000 young people brought here as children to this country, who went through all of the hoops and paid the fees and qualified to have a chance to stay in America without fear of deportation. Well, it turns out Mr. Readler thinks that is a bad idea.

He litigated against the rights of same-sex couples and opposed anti-discrimination protections for LGBTQ Americans. He advocated for making the death penalty more widely available and applying it to children. He argued for denying Byrne JAG violence prevention funds to a city I represent: Chicago.

It is hard to imagine a more controversial partisan nominee than Mr. Readler. Yet his nomination is going to be rammed through this week.

## NOMINATION OF ERIC E. MURPHY

Mr. President, Senate Republicans have also scheduled to vote this week on Eric Murphy, a 39-year-old nominee to another Ohio-based seat on the Sixth Circuit. Mr. Murphy is well known for his advocacy against LGBTQ rights, including the landmark *Obergefell* case, in which he argued against the right of same-sex couples to marry.

He has a lengthy record of defending restrictive voting laws. He has fought for laws to make it more difficult for Ohioans to exercise their fundamental right to vote, including voter purge laws and laws limiting the ability of poll workers to assist voters.

I know a little bit about Ohio's experience because, a few years ago, I chaired a subcommittee that held a hearing in Cleveland, OH, discussing their decision as a State to start limiting the opportunity of people to vote in Ohio. I called those witnesses before my subcommittee—election officials from both political parties, Democrats and Republicans—put them under oath and asked them a basic question: What was the incidence of voter fraud in Ohio that led you to restrict the access of people to vote, to require voter IDs, to limit early voting? What were the instances which led to that conclusion? They could tell me none, not one. I asked them: How many people have been prosecuted for voter fraud in Ohio that led to this? Well, maybe one several years ago—here or there—despite millions of votes being cast. Let's call this for what it is: voter suppression authored by Republicans at every level of government, even here in Congress, designed to fight demography.

Republicans understand they are not doing well with growing segments of the U.S. population, so they are trying to restrict and limit the rights of some groups who may vote against them to actually show up and vote. They go to ridiculous lengths. It turns out that Mr. Eric Murphy—a nominee we will have before us this week for a circuit court position—agrees with their position on voter suppression.

My Republican colleagues are largely silent about the outrageous incident that occurred in North Carolina last week. There was a glaring case of election fraud, and it involved their party, not the Democrats. It involved a gentleman whose conduct was so outrageous and criminal, they voided the congressional election. I can't remember that ever occurring. Why would the Republican Party ignore that occurrence in their own ranks and then try to restrict voting for people who, frankly, have a right, as all of us do, to legally vote in this country? Why are they appointing judges who would defend that approach? I think it is because of the endgame. The endgame is to restrict the number of people who are going to vote in the future and try to limit those who might vote against the Republican Party.

I also am troubled that Mr. Murphy, the nominee before us, has declined to commit to recuse himself from matters involving tobacco. As the Campaign for Tobacco-Free Kids noted, Mr. Murphy personally and extensively represented the tobacco company R.J. Reynolds when he was in private practice. For example, Mr. Murphy was the attorney to R.J. Reynolds on a series of petitions to the Supreme Court that sought to limit that tobacco company's liability from a landmark lawsuit in Florida. Mr. Murphy's refusal to commit to recuse himself from matters where he clearly has expressed his opinions and has gotten paid for it raises serious questions about whether he can serve the cause of justice.

The nominations of Eric Murphy and Chad Readler are being pushed through this week over the opposition of Ohio Senator SHERROD BROWN. Senator BROWN testified before the Senate Judiciary Committee about his opposition to Murphy and Readler. He said: "I cannot support nominees who have actively work to strip Ohioans of their . . . rights." I hope my colleagues will listen to Senator BROWN. No one has fought harder for the rights and opportunities of Ohioans than that Senator.

It is shameful that circuit court nominees like Murphy and Readler are being moved forward over the legitimate objections of their home State Senators. Each of us as Senators knows our State. We know when our State's legal community lacks confidence in a nominee's qualifications.

The blue-slip procedure is the mechanism Senators use for each State to speak as to these nominees. This last week, when it came to a circuit court position in the Ninth Circuit, two Senators from the State of Washington