

a war, now on a second continent—now in Africa as well—but without any current discussion or authorization.

The use of military force is something that should be deliberated about in this body. I again want to associate myself with the comments of the Senator from Virginia that, given that we are at war with ISIS, we should formally be declaring war against ISIS.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, Democrats in Washington continue to try to understand the results of the election. I have heard them blame Republicans, I have heard them blame Russian hackers, I have heard them blame the FBI, and I have even heard them blame the press. What I have not heard is a single Washington Democrat admit that one reason Democrats lost on November 8 could be their disastrous health care law. Well, the health care law has definitely been on the minds of the voters.

On October 31, just 1 week before election day, the Milwaukee Journal Sentinel had an article with the headline, "Rates for Obamacare Plans Jump in Wisconsin." This article said that tens of thousands of middle-class people in Wisconsin who don't qualify for Washington subsidies "will pay the full cost of double-digit premium increases."

The article quoted one insurance broker, saying:

I've talked with people who are exasperated. They are just at wit's end.

That is what the insurance broker said.

It is not just the price increases. In at least five States, there is only one company selling plans on the ObamaCare exchange. My State of Wyoming is one of those. People are being told their plan will no longer include their doctor or maybe even a hospital near where they live. The average deductible for a silver plan next year is going to be almost \$3,600. There is damage that ObamaCare is doing to American families right now. People are seeing it.

That article was in a Wisconsin newspaper, a State in which, apparently—according to the polls—Donald Trump was running behind, RON JOHNSON was running behind, but both of them carried the State handedly. Here we have an election where people expressed their opinion, and the Democrats seem to want to deny the main reason for it.

The American people have placed their faith now in Republicans, and we, in turn, earned that trust. We will do it through both Executive action and legislative action with regard to the health care law. First, President Trump will have a great opportunity to start making things better for the American people by changing some of the regulations that are a huge part of the health care law.

Remember, this health care law is 2,700 pages long, and within those 2,700 pages there are more than 1,800 places where the law gives the Secretary of Health and Human Services the power to write different rules and different regulations and different requirements to try to spell out what the 2,700-page law says. The Obama administration absolutely abused that power. The administration added more than 40,000 pages—40,000 pages of regulations and of redtape that were never actually in the law itself.

In the Trump administration, there is going to be a new Secretary of Health and Human Services. He is a physician—an orthopedic surgeon. Once confirmed, I believe he will be able to interpret, reinterpret, and then reapply the law in ways that actually help American families instead of so many ways that hurt American families because the interpretation in the past favored Big Government over people.

This includes applying the law to make it easier for businesses to provide insurance to people who work for them. It means giving power back to the States to come up with ideas that work for all of the citizens. The nominated Secretary of Health and Human Services is not just a doctor, but he also served in the State legislature, and he knows that at the State level you can make much better decisions for the people of that State than when Washington comes up with a one-size-fits-all decision.

Republicans want to make sure the power goes back to where it belongs—with the people, the families, and the States. That is where it belongs. The Executive action can start pretty quickly, and it can be abridged to the important work that the Congress is going to have to do. We are going to work hard in the Senate and in the House to undo some of the damage—significant amounts of the damage—that ObamaCare has caused. It is undoing the damage because people all around this country have suffered under this health care law. It means repealing the health care law and wiping the slate clean.

ObamaCare can't be fixed by tinkering with it here and there—not with another attempted bailout of the insurance companies, which the President has continued to promote. This solution isn't to add more government on top of what we already have.

The health care law began collapsing a long time ago, and Republicans are now ready to clear away the rubble. Then, we will write a new law with a multiple step-by-step process—a law that reforms America's broken health care insurance system so patients can get the care they need from a doctor they choose at lower costs—one that puts American families in control of their health care and a law that is simpler, fairer, more effective, and more accountable.

We have seen the mistakes that the Democrats have made with the health

care law. We have seen that every State is different. So we are going to be looking to push as much authority out of Washington and back to the States. We have seen that too many mandates and regulations drive up costs, and they drive up the costs without improving the quality of care. We have seen that when Washington writes bad laws, the unintended consequences are severe.

These are all things that Republicans have said since the very beginning. The failure of ObamaCare has proven that the Republicans were right. The election has proven that the American people want a new approach. American families don't want us to tinker with ObamaCare. They just want affordable health care.

I want to make a couple of things clear. First of all, nobody is talking about taking people off of insurance without a replacement plan in place. We all understand that there needs to be a transition over time. People have already been hurt too much when they lost their insurance, when their rates went up because of ObamaCare, and with the mandates and the government saying they know better than families across the country.

We will be working to make the transition as smooth as possible for everyone. That is why we are including a transition period in a repeal bill that Congress passed last year and sent to the President's desk. The President, of course, vetoed it. Our goal is to do no harm.

As we write a new health care law, we will be looking to make it real reform that is actually centered on patients. We can increase the use of health savings accounts. That will give more people the chance to control how they spend their own money on their health care. We can support innovative insurance plans that pay for prescription drugs that work best for patients and not just the ones preferred by insurance companies. We will be talking about ways to protect people with pre-existing conditions and letting young people stay on their parents' insurance. These are important parts of the health care law.

Republicans are going to consider any ideas—any ideas that can help us to give people what they wanted all along—access to the care they need from a doctor they choose at lower cost.

Democrats promised that they would listen to other people's ideas, and then they went behind a closed door in an office back there and they wrote the law, ignoring all of the suggestions by Republicans and without any Republican support at all.

We are not going to make that mistake. We will be looking for Democrats' help. We will be looking for Democrats to work with. We will be listening to Democrats' ideas, and we will be working very hard to win Democratic votes for any new law.

Reforming health care in this country is not going to be easy. It is not

something we are going to do for the purpose of scoring political points or to discredit President Obama. I will tell you, as a doctor, that it is something we must do to protect American families and their health, as well as their health care.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DAKOTA ACCESS PIPELINE

Mr. HOEVEN. Mr. President, I rise to speak and also to respond to the comments of some of my colleagues on the Dakota Access Pipeline and the ongoing protests in my State of North Dakota.

Here we have a chart showing the Dakota Access Pipeline. It is a 1,772-mile pipeline from the Bakken oilfields near Stanley, ND, to refineries and terminals that actually connect to Patoka, IL, and then that light crude can go into eastern refineries. It will move 470,000 barrels of oil daily from the Bakken in North Dakota and Montana to eastern markets and to refineries that depend on that light sweet crude. This is high quality. This is the lightest, sweetest crude we produce. It is very high quality oil.

It is also important to understand this oil is already moving. It is already moving to these markets right now by rail and by truck. This oil is already being moved.

This pipeline actually increases the efficiency and the safety with which we move this oil that is already being transported to eastern markets.

Furthermore, the project has undergone years of State regulatory reviews and an extensive Federal environmental assessment which found no significant environmental impact. Again, the environmental assessment found no significant environmental impact. It has been twice challenged and twice upheld, including by the Obama administration's own appointees in Federal court. The Federal courts found that the Army Corps had followed the appropriate process that the Standing Rock Tribe was properly consulted and that the project can lawfully proceed.

Everyone has a right to be heard, but it must be done lawfully and peacefully, whether this is during the permitting process with its opportunities for comment or disputing the outcome through the court system. Of course, that is why we have the court system. It hears grievances and provides dispute resolution.

The ongoing protest activities which are occurring in North Dakota—which at times have been violent—are being prolonged and intensified by the Obama administration's refusal to ap-

prove the final remaining easement at Lake Oahe. This inaction has inflamed tensions, strained State and local resources and, most importantly, is needlessly putting people at risk, including Tribal members, protesters, law enforcement officers, construction workers, and area residents—our farmers and ranchers who live and work in the area of the pipeline.

It is past time that the final easement is approved and construction is completed. We need to get this issue resolved. It is past time to get this issue resolved. As the record demonstrates, it should be done on its merits through the previously established regulatory and legal process. In other words, follow the law. We are a country of laws. Follow the law.

Further, the Federal law enforcement agencies should help our State and local law enforcement officers to ensure the law is followed to prevent violent and unlawful protests and see that the peace is maintained. Our law enforcement officers have worked professionally, diligently, and tirelessly to protect the public.

To further describe the situation, let me provide some background. The company developed the route for the Dakota Access Pipeline beginning in 2014. The current path will run parallel to an existing Northern Border Gas pipeline which was placed into service in 1982, as well as an existing high-voltage electric transmission line. In North Dakota, this is an already established right-of-way for energy infrastructure. You have an existing gas line that goes through this same route and you have a high-voltage transmission line as well.

Approximately 99 percent of the route for the Dakota Access Pipeline crosses private land. Only 3 percent of the work needed to build the pipeline requires Federal approval of any kind, and only 1 percent of the pipeline affects U.S. waterways. To date, the pipeline is already 98 percent complete in North Dakota, and it is 86 percent complete overall, from North Dakota to Illinois. That includes the route around and up to the final two-tenths-of-a-mile portion of the Missouri River, which is where most of this protest is occurring. This area of the river, known as Lake Oahe, is controlled by the Army Corps for flood control purposes and requires one remaining Federal easement.

The segment at the center of this debate is a small section planned to traverse under Lake Oahe which would occur at a depth of 92 to 117 feet below the riverbed. In other words, the pipeline doesn't enter the river at all. It is about 100 feet below the river. That is very important to understand. In fact, where it crosses underneath the river, it is 100 percent adjacent to an existing natural gas pipeline. In other words, it follows a pipeline that is already built and is there now, an existing natural gas pipeline. This was done so any ground disturbances would not harm

any cultural or Tribal features. That is why they followed this right-of-way.

Let's put this into perspective a little bit. We have another chart that helps do that. Remember, we are talking about crossing the river in one place, right? We are talking about a pipeline that is going to cross this river in one spot.

Let's put that into a broader context, into a broader perspective. The Congressional Research Service estimates there are 38,410 crude oil pipeline river and water body crossings in the United States. So in our network of oil pipelines around the country, we cross water more than 38,000 times. We are talking about doing it one more time here. But we already do it more than 38,000 times all over the country. This chart shows you that.

In North Dakota alone, we cross bodies of water more than 1,000 times—more than 1,000 times. So this is hardly something new and different. The Congressional Research Service estimates that there are 3,410 crude oil pipeline river and water body crossings in the United States already existing, including 1,079 in North Dakota alone. So I guess we go from 1,079 to 1,080 just in our State. These crossings range from rivers, streams, and lakes to ponds, canals and ditches.

So let's talk about tribal consultation. In total, the Army Corps held 389 meetings, conferred with more than 55 tribes, and conducted a 1,261-page environmental assessment before finding that this infrastructure project has no significant environmental impact. So they did all of that study, all of that consultation. Conclusion: This project has no significant environmental impact.

So the Federal court then reviewed this decision once the protests started. The Federal court reviewed the Corps' work. In the September 9 Federal court opinion, U.S. District Judge James Boasberg noted that the company surveyed nearly twice as many miles in North Dakota as the 357-mile route that would eventually be used for the pipeline. So they surveyed a lot more than they actually used.

Why did they do that? The Federal judge noted that where the surveys revealed evidence of historically important or cultural resources, such as stone features, the company modified the route on its own—140 times in North Dakota alone. So 140 times the company modified its route to make sure they avoided any cultural or sensitive features. Remember, they are using an existing corridor that already has a gas pipeline and already has a high-voltage transmission line. They still modified it 140 times to make sure they avoid any culturally sensitive resources.

Additionally, in another instance, the Corps ordered the company to actually change the route where it crossed the James River, which is another river further east that has not been protested—it crosses that river too—to