

their economies are growing—and a lot of times they say “Well, we are not interested in doing that” because they are not large enough yet.

Last year, Congress enacted my “Africa Free Trade Initiative Act,” which requires government agencies—the USTR, USAID, and other agencies—to collaborate on efforts to build trade-based capacity in African nations. This is a step in the right direction for America to partner with and secure deeper ties to the fastest growing economies in Sub-Saharan Africa.

While some in our government may not deem Sub-Saharan African countries ready for deeper collaborations on trade with the United States, let me tell you what is going to happen if we don't. We still have this country called China. Right now, China has become very active in Africa. What you hear in Africa is, America will tell you what you need, but China builds what you need. The problem with that is, that doesn't help Africa, and Africans know this, because China imports their own labor to build all these things.

So this is one of the things we are looking at where we can actually come out ahead if we will get in on the ground floor and get involved with these economically active countries. And we need to focus more on building trade in legal capacities so that they are ready to do trade agreements, and when that time comes, they will be doing it with us and helping their economies grow. That is what our economic assistance should be all about. They grow, and we are going to grow with them.

That is a go of what was enacted in last year's African Free Trade Initiative Act, and I will continue my work with the new administration to ensure that African nations are not left behind.

With China's rising economic might, we need to strengthen America's current relationships with some of our strongest Asian allies, such as Japan and Taiwan, with new bilateral trade agreements, and this will help counter China's growing influence if that region too.

Oklahoma farmers, ranchers, energy producers, and manufacturers need competitive access to international markets to sell Oklahoma-grown and Oklahoma-produced products. New agreements with our allies would generate more economic activity and create jobs not just in Oklahoma but throughout America.

I think this is the thing that the new administration is talking about when he says we need to have—there is no justification for arrangements where we are not able to have a comparable tariff arrangement where the countries can trade with each other, and that is what we anticipate doing.

Let me mention one other thing. I know that the Senators on the other side of the aisle are spending a lot of time blocking or trying to block the nominations by this President. Every

once in a while, I have to get on the floor and remind them that it is not going to work. You know they are all going to be confirmed. The votes are there, and you can say anything you want about some of the fine people who have been nominated by this President.

I was privileged to visit with President Trump in Trump Tower before he was President. I can remember going up there to visit and seeing the people who would be advisers and the types of people he was going to be nominating, and it was very impressive. Now we have gone through a situation where the Democrats in the Senate have stalled these nominations. They stalled them longer than they have ever been stalled in the history of America, going all the way back to George Washington. All we are doing is wasting time that we could be acting productively in correcting some of the problems we have in this country.

#### OVERREGULATION

There is another issue. I was fortunate enough to spend several years as the chairman and ranking member of a committee in Congress called the Environment and Public Works Committee. It has a very large jurisdiction. It is a committee that deals with—as the title infers—environment and public works, environmental and some of the overregulation that we have had, and created real serious problems.

Also, we have been successful in passing a lot of the initiatives, such as the FAST Act. That was the largest transportation reauthorization bill since 1998. So we have done a lot of good things there.

One of the problems we have had—that we dealt with in that committee and will continue to under the chairmanship of Senator BARRASSO—is doing something about the overregulation. This has been a problem, serious problem. In 2½ months between the Presidential election and Inauguration Day, the Obama administration produced over 200 rulemakings; 41 of which are considered economically significant rules, rules that would result in \$100 million or more in annual costs. Over the course of his administration, President Obama added 481 economically significant regulations to the Federal registry, over 100 more than the Bush or the Clinton administration.

Regulations cost our citizens, at the current time, \$1.89 trillion a year and more than 580 million hours of paperwork in order to comply with this staggering amount of rules. People don't realize the cost of rules. When they made such an effort, starting way back in 2002, to pass legislation that was aimed at trying to get into some type of an arrangement on global warming—and all of this to restrict emissions—they didn't realize at that time, until the bills got on the floor, that the cost to such cap and trade—a type of regulation—is between \$300 and \$400 billion a year to the American people.

Every time I see a large figure coming from Oklahoma—I get the latest

figures from Oklahoma, in terms of what has happened economically in the previous year—those regulations would cost the average family who pays Federal income tax in my State of Oklahoma an addition of \$3,000 a year, and by their own admission, it wouldn't accomplish anything.

I can remember as chairman of that committee, we had Lisa Jackson. Lisa Jackson was the Administrator of the EPA, the first one that President Obama had appointed. I asked her the question live on TV, in an open meeting, I said: If we were to pass, either by regulation or by legislation, the cap-and-trade legislation that they are talking about passing, and have been talking about, would this reduce CO<sub>2</sub> emissions worldwide? Her answer: No, it wouldn't because this isn't where the problem is. If it is not going to accomplish something, even if you believe the world is coming to an end because of fossil fuels, doing something in the United States is not going to correct it. But that is the cost of rules. That is what we are looking at right now.

We went through 481 significant regulations during the Obama administration. At the last minute, after President Obama realized that Hillary Clinton was not going to win, he got involved in what we refer to as “midnight regulations.” He had several of these last-minute regulations he was trying to get in after the election took place—and he knew who was going to be the next President—before the next President took office. One such midnight regulation, finalized January 13, is the Environmental Protection Agency's rule entitled “Accidental Release Prevention Requirements for Risk Management Programs Under the Clean Air Act.” EPA states that the purpose of the updated rule “is to improve safety in facilities that use and distribute hazardous chemicals.” As you can imagine, environmentalists will not be happy if this rule is changed, but I argue this rule does not make facilities or surrounding communities safer. In fact, it could put them at greater risk.

There are several concerns with this rule, but the biggest one is the national security implications due to the rule's public disclosure requirements. Under this rule, facilities are required to share information on the types of chemicals stored there and the security vulnerabilities with emergency responders, and upon request, to the general public. The rule does not provide for the protection of this information from further disclosure once it is provided. It is well known that terrorists have considered attacks on chemical facilities as a way to kill citizens and cause mass destruction in our communities, and of course requiring the disclosure of this information to anyone whose asks is very reckless and impossible to understand. We can't figure out why they would do that. The terrorists would have access to the same information, which would make their job a lot easier.

Congress has passed several bills to protect just this kind of information. It was even the author of one of these bills. Under the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act of 1999, the distribution of sensitive information from chemical facilities is limited to publicly available Federal reading rooms and certain Federal, State and local officials and researchers who are then barred from further disseminating the information. This makes sense. We need local officials to know what they should do in the event there is a problem, but our enemies should not be able to get this information. It is fine, except you don't want to give it to our enemies, those who are in the terrorist community.

The new rule by the EPA does not provide any of these protections to the information now required to be shared upon request, to include audit reports, exercise schedules and summaries, emergency response details—all of which would provide those intent on criminal acts with a blueprint of facility and emergency response vulnerabilities. This is exactly what they want to perform their terrorist activities. The requirement does not make these facilities safer but actually increases the chance of harm to be done to them.

The sole reason this rule was updated by the Obama administration stems from the West, TX, chemical plant explosion of 2013. Yet this rule on accidental release prevention would do nothing to prevent another West, TX, because that explosion and fire was intentional. It was an act of arson. The Obama administration used this tragedy that took 15 lives as an excuse to make these facilities and surrounding communities less safe, and it doesn't make sense, unless you look at what else the rule does.

This rule is the first step in EPA expanding its authority under the Clean Air Act to mandate how chemicals are manufactured and used. We just passed a bill, on a bipartisan basis, that takes care of this problem. You don't have to worry about that anymore. The EPA is requiring paper, petroleum, coal, and chemical manufacturing industries to conduct safer technology and alternative analysis, STAA, as part of their process hazard analysis. In conducting this STAA, these industries must consider what they call inherently safer technologies, IST, or inherently safer designs, ISD. This sounds good, but it is something that is so ambiguous nobody knows what the real definition is.

While the rule stops short of requiring EPA's approval of these STAAs or requiring the implementation of IST and ISDs, it is only a matter of time before the environmental groups begin to litigate the issue and act as escorts to force EPA to mandate these majors. This is the proverbial camel's nose under the tent. Industry will tell you that the best time to assess inherently safer technologies and designs is during the initial design phase.

Furthermore, industries are constantly evaluating their processes and making changes at the margins based on what works best for the products and customers. Allowing the EPA to become a part of that conversation adds a third party to the question that does not care about the company, the product or the consumers. The inherent safety of a technology or design is a relative standard. What might be safer in one company or product, does not mean it is going to be safer within a process that is completely different and in a different company.

For example, it may be inherently safe to store or use less of a hazardous material, but that would likely increase the number of shutdowns and startups due to not having enough materials on hand. Research shows that the shutting down and restarting of a chemical process poses a greater risk than continuous operation would.

Additionally, you would increase deliveries and movement of hazardous material throughout the surrounding communities, shifting the risk elsewhere. How can we say definitely that is safer? As you can see, there is no definitive answer to what would be inherently safer. It is an ambiguous term. It means it is very difficult to define.

Allowing the EPA's foot in the door on this would only lead to a heavier hand mandate that would hurt industries, consumers, jobs, and ultimately the valued public. This rule is promulgated on the premise of preventing another West, TX, tragedy, but this rule does nothing to protect facilities from intentional actions of a criminal or a terrorist and in fact would actually be in a position to aid them in their quest to do us harm.

I only outlined a couple of the many concerns this rule creates. I believe we should take a look at what this actually does.

It is not just this rule. As I said, President Obama went in at the last minute and did these midnight rules. This is one of the things we can look forward to doing away with, some of the overregulation that has cost Americans so much over the last 8 years.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, let me pick up from where I left off earlier in my discussion of some of the issues that Representative PRICE, the nominee to lead the Department of Health and Human Services, advocated for as a Member of the House, as a leader on the Budget Committee. These are issues I continue to be concerned about with regard to his nomination.

With regard to Medicare—I left off with a few comments about Medicare. Here are some of the concerns that have been stressed by major senior organizations with regard to some of the Medicare proposals in Washington.

In a letter to President Trump, AARP CEO Jo Ann Jenkins said:

The average senior, with an annual income of under \$25,000 and already spending one out

of every six dollars on health care, counts on Social Security for the majority of their income and on Medicare for access to affordable health coverage.

Unfortunately, some congressional leaders have discussed plans to use the health care debate to fundamentally change the Medicare program and undermine the contract made with generations of Americans.

Proposals creating a defined contribution premium-support program; restricting access by raising the age of eligibility; or allowing hospitals and providers to arbitrarily charge customers higher prices than Medicare; all betray the promise made to older Americans who have paid into Medicare their entire working lives.

She goes on to say:

Indeed, these proposals do little to actually lower the cost of health care. Rather, they simply shift costs from Medicare onto individuals—many of whom cannot afford to pay more for their care.

So says the leader of AARP.

So that is one of the reasons why the proposals that Representative PRICE has supported become front-and-center concerns in his nomination. I will move next to a consideration of Representative PRICE's record on the Patient Protection and Affordable Care Act. If you go back to 2009, before we passed the Patient Protection and Affordable Care Act, over 50 million Americans were uninsured in 2009. People with any sort of medical condition were routinely denied health insurance or they were charged exorbitant rates because of their health history. Women were routinely charged more than men for their health insurance. Third, sick individuals were routinely dropped from their health care coverage because they had reached arbitrary caps on the amount of care an insurer would pay for in a given year. Of course, in 2010, the Affordable Care Act was passed.

Now we can say that 20 million Americans have health care coverage, and that includes 1 million more Pennsylvanians who have health care coverage because of that legislation. And 105 million Americans are protected from discrimination due to preexisting conditions. Over 9 million Americans are receiving tax credits to help them cover health insurance premiums, and 11 million seniors have saved over \$23 billion from closing the Medicare Part D prescription drug plan doughnut hole. Pennsylvania hospitals, because of the Affordable Care Act, have saved over \$680 million due to reductions in uncompensated care.

I would add to this that all those Americans, by one estimate as many as 156 million Americans—there is another estimate that is even higher than that; but at least 156 million Americans—with employer-sponsored coverage have a long list of protections against being denied coverage for a preexisting condition, against annual or lifetime limits, against discrimination against women because they happen to be women.

All of those protections are in place now for more than 156 million Americans because of the Affordable Care Act. Yet, despite all of those gains that

have been realized in only a few short years, Representative TOM PRICE opposes the law.

In fact, he wants to repeal it. Rather than working with us to improve it, he has proposed a replacement that would strip away many of those critical protections. Again, they are not only protections for people who are newly insured but protections that are in place now that were not there for more than 156 million Americans with employer-sponsored coverage.

So I get letters from constituents concerned about his record or concerned about the direction that he would take the Department of Health and Human Services or the direction that the Trump administration would go. Now apparently, after the election, after inauguration day, the administration is supporting block-granting of Medicaid and supporting changing Medicare as we know it.

That is why we get letters from individuals across our State. I mentioned before that we have 48 rural counties in Pennsylvania. There are a lot of people—literally, several million people; 3.5 million by one estimate—living in rural counties in Pennsylvania, in rural communities.

I have a letter from Rebecca. That was one of the names I outlined at the beginning of my remarks earlier today. Here is what Rebecca said:

The Affordable Care Act allowed my husband to join me on the dairy farm where I worked for 8 years and am co-owner of the herd. Over the past 3 years, we have straightened out our finances and have gotten our student loan debt under control. Third, we have opened an IRA to plan for our retirement.

We live in a small trailer. We own one car. We shop at discount grocery stores and local Mennonite food stands. We have worked hard for financial stability. Over the past year we have begun discussions about having a child and starting our own business. Threats to the ACA are threats to our future, Senator, and to the future of small businesses, agriculture, and families.

She goes on from there to tell her story.

So that is Rebecca, who has some experience, not just in rural Pennsylvania but experience as a dairy farmer, trying to start a family, and trying to start even more of a business career. So that is another example of what we are hearing from people across Pennsylvania.

I mentioned at the beginning of my remarks Hannah and Madeline. Hannah and Madeline are the daughters of Stacie Ritter. She is from Manheim, PA. She is the mom of four children, including Hannah and Madeline. They happen to be twins. I met them way back, I guess, in 2009. At the time Hannah and Madeline were diagnosed with a rare and dangerous type of leukemia when they were just 4 years old.

Stacie and her husband went bankrupt trying to pay their daughters'

medical bills. She wrote to me at that time—just around 2009—saying that, without health care reform “my girls will be unable to afford care, that is if they are eligible, for care that is critically necessary to maintain this chronic condition. Punished and rejected because they had the misfortune of developing cancer as a child.”

So said Stacie Ritter about her daughters, pleading with me at the time, as the Senator who would vote on the Affordable Care Act. I just met with Stacie again. She is very glad that we passed the Affordable Care Act so that her daughters could have the health care that they need. Fortunately, this story has a happy ending. Hannah and Madeline are healthy young women now. They are freshmen at Arcadia University, and they are doing well. The Affordable Care Act protects them by ensuring they will have access to affordable coverage, whether on their parent's plan or on a plan on the individual market.

So when we talk about that legislation, when we talk about Medicaid, when we talk about Medicare—all of those issues—one of my basic points is that Representative PRICE, were he to be Health and Human Services Secretary Price, has to have an answer for those Pennsylvanians. He can ignore the questions of Members of Congress, and sometimes he has done that. We don't have time to get into that today, but he has done that in the confirmation process.

But he has to have an answer for Stacie Ritter. He has to have an answer for her daughters Madeline and Hannah. He cannot ignore them and their health care needs. He has to have an answer for Rebecca, who is worried about what will happen to her, whether she will still be able to have a dairy farm, whether she will be able to have a family. He has to have an answer for Rebecca in Pennsylvania.

He also has to have an answer for the two families whom I cited at the beginning—for Anthony and Rowan's family, two young boys on the autism spectrum who need the services of Medicaid.

So this is not theory any longer. This is not some idea that is floating around Washington. These are real lives that will be destroyed by some of these proposals. So if you block-grant Medicaid, you are going to destroy a lot of lives. If you change Medicare as we know it, and turn it into a voucher program, ripping away the guaranteed benefit of Medicare, you are going to hurt a lot of people. If you choose to vote for a repeal of the Affordable Care Act and you have no plan to replace it—after 7 years of complaining about it, criticizing it, and finger-pointing, and you don't have a replacement for it—you are going to hurt a lot of lives.

So this is not some debate that is not connected directly to people's lives. This is real life for those families. I have real concerns about them if Representative PRICE's view of the world

or his proposals that he advocated for vigorously in the House of Representatives were to become law. Apparently, now his ideas have been embraced totally by the Trump administration.

Let me finish with this one point about Representative PRICE. There are questions that remain surrounding Representative PRICE's stock deals. He told both the Finance and HELP Committees that the discounted shares of Innate Immunotherapeutics that he was able to purchase were available to every individual who was an investor.

But the Wall Street Journal reported not too long ago the following. I will just read one line from the story. The headline says:

Rep. Tom Price Got Privileged, Discounted Offer on Biomedical Stock, Company Says.

Here is what it says in the third paragraph:

In fact, the cabinet nominee was one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and a fellow Congressman.

So says the Wall Street Journal story of earlier this month. So that is on the public record, based upon what the Wall Street Journal reported.

I, at the time, joined other Democrats on the Finance Committee to try and get this clarified. That request was denied. When we talk about the constitutional obligations to advise and consent—the Senate advising and consenting with regard to Cabinet nominations—we are not talking about a rubberstamp. We are not talking about some kind of automatic approval. We are talking about scrutiny, review, and getting answers to questions and having a long debate about someone's qualifications.

When you don't get clarified issues that have been raised and validated by news organization like the Wall Street Journal, I think we have more questions to have answered. It is a constitutional requirement—advise and consent—that needs to be honored.

For these and many reasons, I remain opposed to the nomination of Representative PRICE to be the next Secretary of Health and Human Services.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise today to talk for a few minutes about the nomination of our congressional colleague, Congressman TOM PRICE, also known as Dr. TOM PRICE, to serve as our next Secretary for the Department of Health and Human Services. When Senator TESTER arrives on the floor, I will yield to him. I know he has reserved time. I will be happy to yield to him when he arrives.

But until then, I just want to make a couple of comments, if I could.

From the outset, my colleagues—our colleagues and I; not all, but a number of us—have had concerns, in some cases very grave concerns, about many of

President Trump's nominees. Having said that, a number of them have gotten overwhelming support from both Democrats and Republicans. I checked as of sometime yesterday afternoon. There had been seven votes on nominees at that time. I think four of them had gotten overwhelming bipartisan support; three did not.

But from the outset, my colleagues and I have had grave concerns about many of President Trump's nominees. But we have a responsibility, I believe, to thoroughly consider every Cabinet nominee on the merits of his or her fitness to serve.

To evaluate Congressman PRICE's nomination, I looked—and a number of us have looked—at his career in the U.S. House of Representative, which I believe spans some six terms, which would be somewhere between 10 and 12 years. We did that in order to learn more about his guiding principles as a legislator.

All of us have guiding principles. I know the Presiding Officer, who has shared with me his guiding principles any number of times, but mine include trying to figure out what is the right thing to do—not the easy or expedient thing, but what is the right thing to do; to treat other people the way we want to be treated; three, to focus on excellence in everything we do. If it is not perfect, make it better. Four, when you know you are right, you are sure you are right, just don't give up. Those are sort of my guiding principles. I sometimes violate one or more every week. But I always know that I have them, and it is actually helpful to have sort of a compass to get me back on track.

But we wanted to learn more about the guiding principles for Congressman PRICE as we considered his nomination, his core values. During Congressman PRICE's time in the U.S. House of Representatives, he spearheaded efforts to dismantle the Affordable Care Act, which I regard as landmark health legislation that has provided 22 million Americans, including about 35,000 Delawareans with affordable, reliable, and comprehensive health insurance coverage.

Some people say: Well, is it perfect? No, it is not. No, it is not.

Well, I guess ever since Harry Truman was President, you had one President after the other, one administration after the other, bemoaning the fact that we had so many Americans who didn't have access to health care coverage.

So the question would be: Well, why don't you do something about it?

One of the things that we have done about it is to finally pass the Affordable Care Act, and I will talk more about that in a little bit.

Congressman PRICE has opposed the Affordable Care Act from day one, leading his colleagues in the House of Representatives to obstruct and sometimes undermine, first, the drafting of the law and, then, its implementation.

Instead of working with colleagues from both parties to offer improvements to the new law, he rallied against the need for essential benefits, such as contraception or mental health treatment or, frankly, access to medical procedures like colonoscopies, mammographies, prostate screenings—the kinds of things that, for individuals who are at risk of having colon cancer or breast cancer, if they had access to those kinds of screenings, could be detected earlier, with a lot of money saved, a lot of misery saved or avoided. In some cases, a loss of life is avoided as well.

Congressman PRICE introduced proposals to repeal the Affordable Care Act, doubling down high deductible plans and high-risk pools, which have a failed history of inadequate funding, waiting lists, and annual or lifetime limits.

Over the past few months, our Republican colleagues have said loud and clear that they will repeal the Affordable Care Act, and Candidate Trump certainly said that many times during the campaign. When he was elected, he said that one of his major goals was to repeal the Affordable Care Act. When he became President, it was the same message. But at the same time, we have heard from stakeholders across the health care sector about what will happen if the Affordable Care Act is repealed without a replacement. Plain and simple, doing nothing would unfurl chaos across the health care delivery system. The individual market, the marketplaces, the exchanges would collapse. Estimates project that more than 32 million Americans would become uninsured over the next decade. Health insurance premiums in the individual market would skyrocket, increasing by up to 25 percent immediately and doubling again by 2026.

From what I can tell, the cause to which Mr. PRICE has dedicated himself—and that is, repealing the Affordable Care Act with no plan to take its place—would devastate people's lives and our economy.

As we prepare to vote on his nomination, I think it is appropriate to remind our colleagues how we got here and the hard work that we did to approve a health care reform bill that is helping millions of people today.

I have a couple of charts that I would like for us to take a look at. We have on the right of this chart the United States of America, and on the left, we have Japan, a place I used to fly in and out of a lot when I was a naval flight officer during the Cold War.

One of the things that we learned a few years ago—6, 7, or 8 years ago—when we were debating what to do, if anything, in the last administration about extending health care coverage to a lot of Americans who didn't have it, we looked at countries around the world in the Finance Committee to see who was doing a better job and who was not. Among the interesting things that we found out about Japan was

that they were spending about 8 percent of gross domestic product to provide health care coverage to the folks in their country—8 percent. In the United States, at the time, we were spending 18 percent of gross domestic product, more than twice of what they were spending in Japan.

Think about it: 8 percent of GDP to provide coverage and 18 percent of GDP in the United States.

You might say: Well, maybe that is because we were covering a lot more people in the United States than they cover in Japan. Well, as it turns out, just the opposite is true, because not only do they spend in Japan like half as much as a percentage of GDP as we do, but they actually get better results, lower rates of infant mortality, higher rates of longevity among adults, and they cover everybody. They cover everybody.

When the Affordable Care Act was adopted, we had somewhere between 40 and 50 million Americans who would go to bed at night without any health care coverage at all.

I like to say the Japanese are smart people, and they are good allies of ours, good customers of ours. They can't be that smart, and we cannot be that dumb.

So as we were going through the debate on the Affordable Care Act in the Finance Committee about 6 or 7 years ago, one of the things we did is to say: Well, let's look at some other countries and see if they are doing something that maybe we could learn from and maybe we could take to heart and sort of reshape our health care delivery system with that in mind.

One of the things they do really well in Japan is they provide good access to primary health care. If you happen to live in Japan, you don't have to go very far in your neighborhood to find a health care provider. It might be maybe someone like an RN, or it might be something like an advanced practice nurse and maybe a primary care doc, but they have easy access to primary health care.

What they like to do in Japan is to define problems and to address problems when they are small and when they can be treated. They focus a whole lot on prevention and wellness. That is a great lesson. If you look at the Affordable Care Act, that is a lesson that we learned and incorporated into that legislation.

The heading on this chart is this: The Affordable Care Act is a Republican plan. Surprise. Why do I say that? Well, when you go back to 1993, we had a new President, Bill Clinton, and a new First Lady, Hillary Clinton. She basically felt—and I think her husband did, too—that every President, every administration since maybe Truman, had been talking about the need to try to make sure a lot more Americans had access to health care—quality health care—but nobody could actually figure out how to do it.

So Hillary Clinton began working in 1993 on health care, and people eventually called it HillaryCare—HillaryCare. If my life depended on it, I could not explain the elements of HillaryCare, but I could explain the elements of the Republican alternative that was offered to it. It was introduced by a fellow named John Chafee, a Republican Senator from the State of Rhode Island, and it had a number of elements to it. So I just want to mention these five elements that were found in the Republican alternative in 1993 to HillaryCare.

Senator Chafee's bill is the column right here. The next column over is called RomneyCare—right here. Farthest from me—my left, your right—is the Affordable Care Act.

We will look at five different components. As to individual mandate, which of these proposals had the individual mandate and which did not? As to employer mandate, which of these proposals included the employer mandate and which did not?

There is the ban on preexisting conditions—the idea that insurance companies could not say: Oh, because you had breast cancer, because you had this or that—patient or health care—if someone needs health care but they have preexisting conditions, insurance companies can't say you can't get coverage because there was a ban included on that.

As to subsidies for purchasing health insurance, which of these had it and which did not?

And we are going to look at the idea of—we will call them exchanges—purchasing in bulk.

When we were debating the Affordable Care Act, people would say: Why do you want to do this?

I would say: Well, look at the Federal Government. In the Federal Government, you have the legislative branch, the executive branch, and the judicial branch. If folks work as full-time employees, they can get access to health care. We get our coverage usually through private insurers. The Federal Government provides about 70 percent of the premium costs; the individuals provide about 30 percent of the premium cost. It is a large purchasing pool because we have over a million people in the Federal Government purchasing pool. We don't get free or cheap insurance, but it helps drive down the cost because you are buying health care coverage for a lot of people.

Somebody had a bright idea in 1993—John Chafee, I think, and the folks working with him, 20 Republican Senators and 3 Democrats, who said maybe we ought to give folks who don't have health care coverage the opportunity to buy their coverage in large group plans, much like we have in the Federal Government.

I will just hit the pause button right there and stop my remarks for now and yield the floor to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the Senator from Delaware, and I also want to thank the Senator from Georgia, who has about the same length speech as I have here—short and sweet.

Mr. President, I rise today on behalf of thousands of Montanans who have reached out to me in opposition to the nomination of Congressman TOM PRICE to lead the Department of Health and Human Services.

Health care in this country is a very complex thing. It has many moving parts. It impacts patients, doctors, nurses, hospitals, families, and rural communities in Montana and across this country.

Recently, I traveled across Montana, speaking with folks from most of the 60 hospitals that we have in Montana. There is no doubt our health care system has some problems. Costs are rising, and families are being priced out of health care. There is no doubt about it—not all but some. But these problems to be solved require thoughtful, responsible solutions. These problems require folks to put politics aside and work together for the health of our country and for rural America and for our next generation.

Over the years and throughout this confirmation process, Congressman PRICE has shown that he is not equipped for this vital and formidable job. Health care in this country is too important to turn over to a man who wants to reverse the progress, cut up the safety net, and rip away the health care that our seniors have earned.

Everyone in this body knows that we have work to do to fix the Affordable Care Act, but each and every Senator also knows that the ACA has expanded coverage for millions of Americans, improved rural America's ability to recruit and retain health care workers, and moved us closer to closing the Medicare doughnut hole. We cannot make any of these improvements if we do what Congressman PRICE has promised and repeal the ACA, especially without a single plan to replace it. I would tell you, if one exists, I would love to hear it, and I would love to hear it today.

So I want to work to fix the problems with the ACA, not send us back to a time when folks couldn't afford to get sick or couldn't change jobs due to pre-existing conditions.

Don't take my word for it. Joseph from Missoula wrote to me and said:

I am a practicing cardiologist in Missoula. I am adamantly opposed to the nominee, Congressman Price. His approach takes us back to the 1980s, ignores the reality of life for a large portion of our population, and is inconsistent with our obligation to care for the least of our brothers.

Joseph knows Montana cannot afford to go back to the old system. But Congressman PRICE has indicated that is exactly what he wants to do.

In his confirmation hearing, when Congressman PRICE was pressed about President Trump's replacement plan,

he played it off with a joke to a laughing audience.

The health care of the American people is no laughing matter. We need a serious plan to address rising premiums and deductibles, but Congressman PRICE and President Trump have come up empty. In fact, Congressman PRICE's plan to repeal the ACA without a replacement is a serious threat to the health of our country.

But the Congressman's attack on our health care system does not end with dismantling the ACA. He wants to take a chainsaw to the safety net that helps our hardworking, low-income families stay afloat.

Last year in Montana, under the leadership of Gov. Steve Bullock, the Montana Legislature worked across party lines to expand Medicaid to thousands of Montanans, giving folks coverage for the first time in their lives. A man in Butte, MT, looked me in the eye, and he told me that because of Medicaid expansion—listen to this—for the first time in his life, he was able to go see a doctor, get his diabetes under control, and ultimately find full-time employment. Because of Medicaid expansion, this man was finally able to provide for his family.

Congressman PRICE's proposals will rip that coverage away from that man and make it more difficult for others to use Medicaid as well. His plan to block-grant Medicaid will do exactly that, and I have heard from health care providers from across our great State that this will cripple rural America.

In Montana, with the expansion of the Affordable Care Act and Medicaid, it has created hundreds of jobs in the health care industry, and we can't afford to let those jobs go away. Rural America cannot afford Congressman PRICE's reckless plan—or lack of plan—to replace the ACA.

But Montana's working poor aren't the only ones threatened by Congressman PRICE. Our senior citizens often fall into the crosshairs of Congressman PRICE's irresponsible battle with the Affordable Care Act.

President Trump campaigned on protecting Medicare for seniors, and I am with him on that one.

If Congressman PRICE had his way, Medicare, as we know it, would cease to exist. He has supported budgets that would turn Medicare into a voucher system and cut the program by nearly \$500 billion. Congressman PRICE's plan moves more of the burden of health costs onto our seniors.

Under Congressman PRICE's plan, a senior in Glasgow, MT, who is struggling with dementia would receive a fixed amount of money and would be expected to go out, shop for insurance, and buy a private insurance plan. A couple retired in Whitefish would be forced to spend less time enjoying their final years together in order to comparison shop and wrangle with insurance companies—not really how most of us would envision retirement. A farmer from Fort Benton, who has

given his blood, sweat, and tears to feed our country would be hanging up his dirty baseball cap for the last time and will have to worry about finding extra money in his savings to cover higher premiums and out-of-pocket costs.

Does that sound like a fair way to treat our seniors? I think not.

America's seniors have earned their Medicare over a lifetime of hard work, and because most of them live on fixed incomes, they can't afford to see it privatized. We cannot allow this administration to gamble with our seniors' future and their health care.

Ann from Stevensville agrees. She wrote to me and said:

Please do not support anybody wanting to privatize Medicare. No to Tom Price.

But that is not all. Congressman PRICE's track record of fighting against affordable health care for all Americans is disturbing. Throughout his confirmation process, a disturbing pattern has emerged.

Congressman PRICE has spent his 12 years in Congress pushing legislation that would make health care less accessible for the poorest among us and enrich himself by corporate special interests. In 2016, Congressman PRICE used an exclusive sale of discounted stock of a foreign biotech company to line his own pockets. Now he is nominated to lead the agency that would directly impact this company.

Congressman PRICE underreported his holdings in this company by as much as \$200,000. Now, I know \$200,000 may not seem like a lot to some folks, but I am going to tell you, to this Montana farmer and to farmers across this country, we would remember if we had \$200,000 or so invested in a company.

He introduced legislation to lower the tax bills of three pharmaceutical companies that he personally held investments in. CNN reported that during his time in the House, Congressman PRICE invested in a company and then 1 week later, introduced legislation to delay regulations that would have hurt that company's bottom-line profits.

Patients, nurses, doctors, and hospital administrators got a raw deal while Congressman PRICE and his corporate special interests got richer and richer.

As an elected official, as a potential Secretary, you are held to a high ethical standard. Congressman PRICE failed to reach that standard.

President Trump pledged to drain the swamp. Congressman PRICE's record shows that he swam with the alligators for a while.

It is clear to me that Congressman PRICE's priorities put him at odds with the fundamental job of HHS Secretary.

Congressman PRICE's record is not one of expanding access to affordable care, increasing coverage to rural America, and protecting the Medicare that our seniors have earned. The legislation that he has carried in the House enriched himself and the companies he has invested in.

I think Elaine from Lolo, MT, said it best when she wrote to me and said this:

I believe we should be expanding health care coverage for Americans, not making it more difficult to access and afford.

Price wants to scale back Medicare and Medicaid, is out of touch with the realities of the challenges and needs for reproductive freedom and safety, and has financial conflicts of interest that would potentially skew his judgment.

A better choice should be demanded for the person who will lead Health and Human Services to ensure our country has the best possible healthcare and service support for the needs for all humans, not just those in line with Rep. Price's interests.

I urge you to vote no on Price's appointment. I will be watching the vote closely. Thank you.

Well, I couldn't have said it better myself, and I would encourage my colleagues to vote no for Elaine, for Montana seniors, for Montana families. Well, they are all going to be watching closely.

I would encourage a "no" vote on Congressman PRICE.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that these answers to four questions that have been raised in the last few days in the media be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOUR EXAMPLES OF THE LIBERAL CHARACTER ASSASSINATION OF DR. TOM PRICE

Even the great Perry Mason would be stumped by this one. Democrats, with the help of an eager media, have attempted a character assassination of Rep. Tom Price, M.D., President Trump's nominee for Secretary of Health and Human Services. Despite an impeccable record in both public service and medicine, they insisted Dr. Price's good name, built throughout decades of serving others, did not belong to him anymore.

And they almost got away with it. Here's how it happened.

Exhibit A: New York Magazine forecasts Price character assassination.

Buried in a December 27 story in New York Magazine, then-incoming-Senate Minority Leader Chuck Schumer (D-NY) broadcasts that he has unanimous Democratic opposition to a single Trump nominee: Dr. Tom Price. He plans to inflict as much pain as possible on the HHS pick, and Democratic staffers indicate they'll delay the process as long as possible.

"Senate Democrats appear to be unanimous in their opposition to Tom Price, Trump's choice for Health and Human Services secretary, and they hope to raise such a ruckus about Medicare during Price's hearings that at least three Republicans decide to vote against Price, too, thus handing Democrats their first scalp of the Trump era.

"According to various Senate aides, Schumer doesn't believe his party has a chance of torpedoing any other Trump nominees, but he hopes to make their confirmations as bruising—and, with smart floor management, as prolonged—as possible. (Schumer himself decided to comment.) 'The goal will be to show the public how controversial these nominations are,' explains a Senate Democratic aide."

Evidence A: <http://nymag.com/daily/intelligencer/2016/12/who-will-do-what-harry-reid-did-now-that-harry-reid-is-gone.html>

Exhibit B: Democrats, with help from media, begin Zimmer Biomet smear.

In mid-January 2017, CNN began nonstop coverage of what they believed was a bombshell story that would rock the HHS nomination process. Dr. Price, they claimed, introduced legislation to benefit a medical device manufacturer, Zimmer Biomet, whose stock he owned.

"Rep. Tom Price last year purchased shares in a medical device manufacturer days before introducing legislation that would have directly benefited the company, raising new ethics concerns for President-elect Donald Trump's nominee for Health and Human Services secretary."

The written piece breathlessly continues that theirs is the "latest example of Price trading stock in a healthcare firm at the same time as pursuing legislation that could impact a company's share price."

Predictably, Schumer and his henchmen began gleefully alleging on television that Dr. Price potentially broke federal law—a law that calls for up to 15 years of imprisonment if broken.

Except none of what CNN said happened actually happened.

1) Dr. Price's Morgan Stanley broker purchased the Zimmer Biomet stock without his knowledge as a part of a routine rebalancing of his portfolio on March 17, 2016. They notified Dr. Price on April 4, 2016. He disclosed it in his filings on April 15, 2016.

2) The 26 stocks, totaling less than \$2,700, were so small, in fact, that even Zimmer Biomet, like Dr. Price, was not even aware that he was a stockholder.

3) The legislation CNN and others keep referencing concerns Dr. Price's well-documented efforts, including a 2015 letter and subsequent bill, requesting the delay of a rule issued by CMS.

4) While CNN claims this would have benefited Zimmer Biomet, the company actually supports the CMS rule and publicly opposed Dr. Price's legislation.

So, CNN (and Congressional Democrats musing about alleged crimes punishable by imprisonment) runs—and reruns and reruns—a story about Dr. Price potentially breaking the law or behaving unethically and doesn't even get the story correct about Zimmer Biomet's position on the very legislation they claim he introduced for them? Way to go, guys.

Evidence B: <http://www.freebeacon.com/issues/dem-accusations-regarding-tom-prices-stock-trades-unsubstantiated>.

Exhibit C: Democrats, with help from media, go low with Innate Immuno play.

In a salacious twist, media and Democrats turn their attention to Australian medical company Innate Immuno. At the recommendation of another Member of Congress, Dr. Price decided to purchase Innate Immuno stock through a "friends and family" referral program. Any eligible buyer referred to the company by a current stockholder received a 12 percent discount to fund a research project the innovator was launching.

This fact didn't stop Democrats from claiming he received "insider information" as a Member of Congress, a rather strange accusation about a company based in Australia.

Then, they pointed to what they insisted—and insisted—was his active support for the 21st Century Cures Act, legislation they said would help Innate Immuno gain access to American markets.

That would be pretty suspicious, except for the fact that Innate Immuno went on the record with the Wall Street Journal back in

December to express that they didn't care about the bill one way or the other because they were governed by Australia and New Zealand law.

And then, of course, there's the little detail that Dr. Price was not a co-sponsor of the 21st Century Cures Act. He never whipped for the bill. He never even voted for it. In fact, he was one of only a handful of Republicans to vote against it when it was introduced in the U.S. House of Representatives. As House Committee on the Budget chairman, Dr. Price had concerns that the law would bust spending limits set by the budget. Thus, he could not vote for the bill. So, a lawmaker doesn't co-sponsor the bill, doesn't whip for the bill and doesn't even vote for the bill, and yet he's being accused of crafting it, pitching it to his colleagues and promoting it to the public? Seems a bit odd, doesn't it?

Months later, the conference committee on the bill (of which Dr. Price wasn't a member, since he voted against the legislation) repaired the funding mechanisms for it, moving it from mandatory spending to discretionary spending. Then, Dr. Price felt comfortable voting to approve of the conference report, which, again, is not the same as "actively supporting the legislation." And to top it all off, it was because of Dr. Price's opposition to it that the American taxpayers weren't on the hook for 21st Century Cures as mandatory spending.

So, another swing-and-a-miss from the media and the Left. He didn't "actively engage" in supporting legislation that they insist he spearheaded, and funnily enough, neither did the company!

EVIDENCE C1: <http://clerk.house.gov/evs/2015/roll1433.xml>

EVIDENCE C2: <http://budget.house.gov/news/documentsingle.aspx?DocumentID=393978>

EVIDENCE C3: <http://www.georgiapol.com/2016/12/23/tom-price-stock-investments-need-perspective/>

EXHIBIT D: Puerto Rico Lies, Lies, Lies

Another story emerged that Dr. Price introduced legislation to benefit himself, via stocks he held in a pharmaceutical company that did business in Puerto Rico. Again, the facts don't match their claims.

In 2004, Congress enacted the Section 199 deduction for qualified U.S. manufacturing activities. Realizing a technical omission, in 2006 Congress extended the 199 deduction for Puerto Rico on a temporary basis. As a result, Puerto Rico was returned to a level playing field and would no longer be competitively disadvantaged against the mainland. The 199 deduction was temporarily extended in both 2011 and 2014.

The Section 199 deduction was not extended as a part of the PATH Act in 2015. Dr. Price's bill would simply make permanent the 199 deduction, no longer requiring periodic reauthorizations, just as it is for the mainland. This would not give Puerto Rico or any U.S. company (and thus, a shareholder of such a company) a tax advantage. It merely creates a tax neutrality so a company can make a decision to invest in a jurisdiction for economic purposes, rather than tax. Dr. Price was never lobbied by PhRMA on this legislation. However, it is a priority of American companies, such as Georgia-based Coca-Cola, who would prefer to maintain their operations in Puerto Rico. The Puerto Ricans they employ, who already face perilous economic circumstances, would be inherently disadvantaged if these extenders did not occur.

Whoops.

Evidence D: <https://www.pwc.com/us/en/tax-services/publications/insights/assets/pwc-new-section-199-regs-could-affect-wide-range-of-taxpayers.pdf>

#### SUMMARY

Dr. Price's detractors on the Left have no actual defense of their opposition to him. They can't deny his qualifications or expertise, so they've resorted to an attempted character assassination. The media, eager for flames to fan, ran these baseless attacks time and time again, despite easily accessible information (i.e. a Google search) that would disprove these outrageous claims.

Both the Left and their media support must be held to account for conjuring up lies and spreading them for the past two months.

Mr. ISAKSON. Mr. President, I would also like the RECORD to reflect that I have never been to Montana. I have been to Delaware, but I respect anything either one of these Senators would say about any physician in Delaware or any physician in Montana. They have never been to Georgia. I have been to Georgia for 72 years. I have lived there for 72 years, and for 30 of those years, I served with TOM PRICE in the State legislature, in the same neighborhood organizations. He has been my friend. He has been my doctor. He is a great individual, and my knowledge of him is firsthand. I am not going to read to you something that somebody told me TOM PRICE was or is or did or was accused of. I am going to tell you about the man I know who has been nominated for Secretary of the Department of Health and Human Services.

I have known TOM, as I said, for 30 years. He is a great family man. He and his wife Betty are great members of our community. He is a great churchman. He is active in his church in his community. He started out working in neighborhood organizations, graduated to the State legislature, and became the first elected Republican majority leader in the history of the Georgia State Senate. He went from the Georgia State Senate to the Congress to replace me. He raised the intellectual component level of that seat tremendously when I got out and when he came in. He has done a tremendous job here in the seven terms in this Congress, representing the people of my State.

Now, I don't know much about medicine, except that shots hurt, and I don't want to go to the doctor unless I absolutely have to. TOM knows everything about medicine because he has delivered it for 30 years. He knows about the affordability of health care. He knows about the needs of senior citizens. He knows about the innovations that are necessary to help all of us stay healthy for the rest of our lives.

TOM PRICE is a committed public servant who has worked diligently and hard for the State of Georgia and people of Georgia.

There have been a few things said about TOM that I want to address, not because I want to waste my time talking about things that are just allegations that are put together in some fashion or form to make him look bad. I want to just make the record straight.

First of all, it has been said that TOM is for taking funds away from Medicare. That is ironic to me because last December, TOM and I were called on by AARP, the representative of the senior citizens of America, to go on the road and talk about how we were going to save Medicare and save Social Security—not cut and rob it. So we represented the organization AARP at their request. We wanted to save Social Security and save Medicare. We have never spent a minute of our time talking about taking it away from anybody. If there is anybody who is going to be able to make sure Medicare works for the senior citizens of the 21st century, it is Dr. TOM PRICE, of Georgia, and he is going to do it as Secretary of Health and Human Services in the United States of America.

Secondly, there have been a lot of things impugning TOM and his investments—the investments he has made.

I introduced TOM to the Senate Finance Committee. I introduced TOM to the Senate Health, Education, Labor, and Pensions Committee. I went through his application. I have seen everything on it. Everything that he is being accused of doing, he disclosed in his report. They are just using a technique that trial lawyers use called desperate impact, where you take two facts, put them over here, and put them together to make them a negative, rather than a positive. It is all in how you explain it and how you describe it. It is not how the act took place.

As the chairman of the Ethics Committee and the one that administers the STOCK Act for this body, I know what we have to submit and make public; I know what we don't. Every single thing he has been accused of doing is from information taken out of his own disclosures, which anybody who owns a computer can get today to make him look like he is bad and a bad guy.

In fact, I told the Senate Finance Committee when I went to introduce him there—after listening to CHUCK SCHUMER on the Sunday shows for 2 weeks talking about TOM PRICE—that I felt like I was going to have to be a character witness for a convicted felon at a sentencing hearing. That is not right for us to do that to people.

TOM PRICE is a great man. He has done a great public service. He has done a great job, and he will do a great job as Secretary of Health and Human Services.

I am proud to have introduced him. I am proud to know him as a friend, and I am proud that he is going to be my Secretary of Health and Human Services. America and all of her citizens will be better off because the doctor will be in the house.

I urge a vote for TOM PRICE and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor to, one, thank my friend and colleague, the Senator from

Georgia, for making his comments about TOM PRICE, President Trump's nominee to be Secretary of Health and Human Services.

I have known TOM for over 20 years. We are both orthopedic surgeons. I know his professional ability. I know his passion for patients and health care. I am delighted and confident that he will be confirmed to be the Secretary of Health and Human Services. I think he is the right person for the important task that lies ahead.

NOMINATION OF NEIL GORSUCH

Mr. President, I also come to the floor today to talk about the President's nominee for the Supreme Court, Neil Gorsuch. Ever since the President made that nomination, we have had an outpouring of support for this nomination and not just those of us in Wyoming—of course, because his mom was born in Casper, WY—but there has been an outpouring of support all across the country and actually across the globe.

The Economist magazine out of London wrote: "Neil Gorsuch Is a Good Pick for the Supreme Court."

USA Today had a story with the headline: "Neil Gorsuch, Stellar Resume and Scalia-Like Legal Philosophy."

There was even an op-ed in the New York Times by a former Acting Solicitor General in the Obama administration. It was an op-ed by Neal Katyal under the headline: "Why Liberals Should Back Neil Gorsuch." This top Obama administration official called Judge Gorsuch "one of the most thoughtful and brilliant judges to have served our nation over the last century"—over the last century.

He went on to say that "if confirmed, Judge Gorsuch would help to restore confidence in the rule of law."

I mean that, to me, is what it is all about—the rule of law. And that is from a former Obama administration official who knows the Supreme Court.

I hope to be able to sit down soon with Judge Gorsuch to talk about his views. He and I had a brief visit today as he was heading from one Senator's office to another.

Everything I have seen in his background tells me that he has the temperament and the experience to be an outstanding Justice on the Supreme Court. His background as a judge gives us powerful evidence of the kind of Justice that he will be.

In 10 years on the U.S. Circuit Court of Appeals, he has authored hundreds of opinions and dissents, and you can be assured that these will be dissected. This record will give Senators ample evidence of exactly how Judge Gorsuch views the role of the courts in applying the law.

From what I have seen so far, he appears to take the law and the Constitution at face value. He doesn't treat them like blank pages on which he can rewrite the laws the way he wishes they were. As he wrote in one opinion: "Often judges judge best when they judge least."

This view of judicial restraint in every example I have seen from Judge Gorsuch's record is squarely in the mainstream of American legal thinking today. You don't have to take my word for it. There is actual data to prove it.

There was an editorial in the Wall Street Journal yesterday with the headline, "Gorsuch in the Mainstream"—"Gorsuch in the Mainstream," yesterday's Wall Street Journal.

The editorial cites a thorough study of something like 800 different opinions that Judge Gorsuch has written since joining the court of appeals. Less than 2 percent—less than 2 out of 100 opinions even drew a dissent from his colleagues on the bench, and 98 out of every 100 of his decisions were unanimous. This was on a court where seven of the active judges were appointed by Democrats, and only five were appointed by a Republican. The Wall Street Journal says that of at least eight cases considered by Mr. Gorsuch that were appealed to the Supreme Court—appealed to the Supreme Court—the Supreme Court Justices upheld his results in seven of the eight—seven out of eight. Four of them were unanimous in front of the U.S. Supreme Court. So if you actually look at his record, I think it is clear that this is a judge who is very much in the mainstream.

CNN did a story on Judge Gorsuch, and they said that he is a laid-back, fly-fishing, fourth-generation Coloradan who also happens to have an Ivy League education, a brilliant legal mind, and an established judicial record.

I mentioned his established legal record, and I think it is also very important that he is a fourth-generation Coloradan. He would bring to the Supreme Court a much needed perspective from the Rocky Mountain West. Among the current Justices, only Justice Clarence Thomas is from somewhere other than New York or California. It is important that we get this kind of viewpoint on the Court.

Judge Gorsuch is smart, fair, very well qualified. CNN mentioned his education, and it really is very impressive: Columbia University, Harvard Law School, a Marshall scholar at Oxford University. He was also confirmed to the circuit court by a unanimous voice vote of the U.S. Senate right here.

None of this seems to matter to the Democrats today—not the intelligence, not the distinguished career, not that he is squarely in the mainstream. None of it matters to some of my colleagues on the Democrat side of the aisle. They were sharpening their knives for anyone—anyone the President might nominate, regardless of their qualifications. They wrote their press releases months ago, full of attacks on a person most of them had never met. It is what Democrats always do when a Republican President nominates someone to the Supreme Court. It is exactly what

they promised to do this time as well. Even before President Trump was inaugurated, Democratic leader CHUCK SCHUMER said that his party would fight "tooth and nail" to block the nominee. He said he was going to do his best to "keep the seat open."

Senator SCHUMER met with Judge Gorsuch the other day. He complained that the judge did not answer questions about some issues that are in the news and before the courts, things like the so-called Muslim ban. Well, according to the Code of Conduct for United States Judges—the code of conduct for judges—a judge is actually prohibited from making public comment on the merits of a matter pending or impending in any court. Well, there are certainly ongoing court cases about a number of things that Senator SCHUMER asked about, so I think it is a very good sign that Judge Gorsuch would refuse to comment on these.

Democrats in the Senate are being told by the far-left elements of their political base to try to block this nominee. Many of these Senators are doing everything that they can to comply. Liberal activists have been planning a multimillion dollar lobbying campaign against this nominee or any nominee ever since election day. The reaction of these activists on the left has been hysterical, it has been irrational, and it has been disgraceful.

I hope the Democrats in the Senate will reject these calls from their base and will give this nominee a chance. I hope that they will take the time to consider his qualifications and that they will actually sit down to talk with him before they rush to condemn him.

I know I look forward to sitting down with the nominee and discussing his views more fully. Everything I have seen so far suggests to me that it will be a very good conversation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I don't speak often on the floor, but it seems that whenever I do, you are the Presiding Officer. I have said this before, but you are a glutton for punishment. I thank you for your willingness to show up day after day.

I was going to talk a little bit about the Affordable Care Act as it relates to Congressman PRICE, who has been nominated to be Secretary for the Department of Health and Human Services.

Before I do, I want to follow up on the comments of my friend Senator JOHN BARRASSO, who is the chairman of the Environment and Public Works Committee on which we both serve. He is the senior Republican, and I am pleased and really privileged to be the senior Democrat alongside him.

What I would just say in response is—if Senator SCHUMER were here, he would be perfectly capable of thinking for himself and defending himself, but I would say this: On the question of whether Judge Gorsuch will have a