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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, in whose hands is the life of every living thing, we depend upon Your strength and might.

Manifest Yourself to our Senators, directing their steps and bringing them to Your chosen destination. Without Your leading, they will be like ships without rudders, but with You directing, they cannot fail to fulfill Your purposes. Take them in the direction that will enable them to positively affect the lives of the heavy laden, the sorrowful, and the suffering.

Fill their hearts with the deep compassion needed to enable Your Kingdom to come and Your will to be done on Earth as it is in Heaven. Lord, use them to hasten the coming of Your Kingdom of justice and truth.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SASSE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

REPEALING AND REPLACING OBAMACARE

Mr. MCCONNELL. Mr. President, last night, the committees of jurisdiction in the House released a proposal to repeal ObamaCare and begin the process of replacing it with commonsense reforms to preserve access and lower costs. The plan builds upon the 2015 repeal bill, which was vetoed by President Obama. I am happy to hear the committees will begin consideration this week. I encourage every Member to review it because I hope to call it up when we receive it from the House.

It is clear to just about everyone that ObamaCare is failing. Costs are soaring. Choices are diminishing. Insurance markets are teetering.

It would be easy to sit back and watch this partisan law collapse under its own weight. Pass the buck to the next guy. That seems to be the Democrats' strategy.

Republicans think the middle class actually deserves better. In election after election, Americans have called for relief. In election after election, Americans have called for an end to this partisan law. We promised to do both things. We are.

The legislation the House introduced last night represents the next step along that path. It is the result of a long conversation with many voices, and it is supported by the one person who can actually sign a bill into law—the President of the United States.

I want to recognize everyone for their contributions and hard work. Given last night's announcement, I especially want to commend our colleagues in the House. The policy conversation that led to what we saw last night continues. The policy process moves forward today.

We have come a long way. We have a lot further to go, but we are making significant progress. Working arm in arm with the House and the new administration, we are going to keep our promise to the American people because ObamaCare is a direct attack on the middle class. We all know it. We all get letters and phone calls. We hear the heartbreak and the frustration nearly every day.

Consider this letter from one of my constituents in Goshen, who wrote about the ObamaCare plan available to his family:

I am extremely displeased with the limited choices available. While 16 plans are listed for me at the Healthcare.gov website, they are all inferior to my 2016 plan. Neither our primary care physician nor my rheumatologist is in network of any offered 2017 plan.

The cost is another problem. The 2017 plan that I will probably choose will have a 20% higher premium than my 2016 plan with a lower level of benefits.

Pay more; pay more for less. That is ObamaCare for you right there. Look, in so many different ways, we have seen the evidence for years that ObamaCare simply isn't working. This isn't a law that can be fixed. This isn't a law that can be saved. It has to be repealed and replaced. We promised the American people we would do that. We are going to keep our promise.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. McCONNELL. Mr. President, on another matter, for the past 8 years, Americans felt left behind by an economy that failed to live up to its potential, a job market that left too many behind, and a future that didn't seem to be as bright as it once had.

For too long, the previous administration pursued an agenda that put Washington's interests above the peoples' interests and regulations that too often followed ideology rather than facts. In fact, as we recently saw cited in a national paper, one study "estimates that the costs of complying with federal rules and regulations totaled nearly \$1.9 trillion in 2015."

Let me say that again. The costs of complying with regulations in America totaled nearly \$1.9 trillion in 2015, equal to about half the Federal budget.

Yet another study "estimates that regulation has shaved 0.8 percent off the U.S. annual growth rate"—a growth rate that was already too low to begin with.

You can see the effect that heavy-handed regulations can have on our Nation's economy. There is no question that some regulations are necessary and even beneficial to our country, but Washington should assess the real impact regulations will have before implementing them.

Undoing the damage of the past several years is going to take some time, but fortunately there are meaningful steps we have already begun taking to bring relief. Just last night we took another step by blocking a sweeping labor regulation that would have threatened American businesses, workers, and taxpayers at large.

Today we will keep working to dial back even more harmful regulations, like the one before us now—the so-called BLM planning 2.0 rule. Don't let the name fool you. This regulation has little to do with improving current policy. Instead, it really represents another power grab pushed through by the Obama administration on its way out the door.

Like several other regulations we are working to address, this one adopts a top-down, one-size-fits-all approach. It shifts power away from State and local governments toward Washington bureaucrats, and it targets Western States specifically, jeopardizing their ability to manage the lands and resources that their local economies count on.

As Senator MURKOWSKI, chair of the Energy Committee, has pointed out, this regulation could negatively impact a range of activities like grazing, timber, energy, and mineral development and other important uses of public land that States like hers rely on. And, perhaps even more troubling, it would also limit input from local stakeholders who are the most familiar with these issues. That is why Senator MURKOWSKI has been fighting the BLM 2.0 regulation from the start and has

introduced legislation under the Congressional Review Act to overturn it.

Later today, we will have the opportunity to vote on a similar resolution, which has already passed the House. It is another important step in our efforts to return power to the States and knock down barriers that keep our economy from growing.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

CALLING FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. SCHUMER. Mr. President, this morning the Judiciary Committee will have a hearing on the nomination of Mr. Rod Rosenstein to serve as the Deputy Attorney General. During the hearing, Mr. Rosenstein should commit to naming a special prosecutor to look into the Trump campaign's ties to Russia.

There is a strong legal rationale for a special prosecutor. A special prosecutor, by the Department of Justice rules, would be free of day-to-day supervision by anyone at the Department of Justice, would be free to follow the investigation where it leads, and would be subject to an increased level of congressional oversight. Moreover, it is the right thing to do to ensure that this investigation remains impartial, nonpartisan, and truly gets to the bottom of the matter. The bottom line is very simple. The special prosecutor can only be fired for cause, but a line person in the Justice Department could be fired at will. We saw that happen when President Trump didn't like what Sally Yates said about his Executive order. He simply fired her.

Mr. Rosenstein is a very fine man, an excellent, longtime prosecutor in the Justice Department, but this is when we call for a special prosecutor. It is

not an aspersion against him in any way. We are worried the White House will not let an investigation within the Justice Department, without the insulation of a special prosecutor, go forward.

So if Mr. Rosenstein is unwilling to commit to naming a special prosecutor or says he needs to be confirmed, and in his position he can make an assessment, that is insufficient. The need for a special prosecutor is clear enough today to make that call.

Of course, we don't need to wait for Mr. Rosenstein. Mr. Boente, the Acting Deputy Attorney General, can make the call today, but if neither will commit to a special prosecutor, Congress will have to consider bringing back a narrower independent counsel law to see that this investigation is conducted properly.

TRUMP CARE

Mr. SCHUMER. Mr. President, on another matter, last night we saw the House Republicans plan to repeal and replace the Affordable Care Act. After 70 years of talking about the same thing over and over again, you would think the Republicans would have been able to come up with a better plan than this. This plan is a mess.

First, it will cost average Americans more money for their healthcare, while providing fewer benefits; second, it will cut taxes for the very wealthy, making average Americans pay more for their healthcare; third, it will raise premiums and costs for older Americans; and, fourth, it will remove the guarantee that ensures Americans with pre-existing conditions can get coverage.

TrumpCare will make health insurance in America measurably worse in just about every way and leave more Americans uninsured. It does, however, greatly benefit the very wealthy and special interests. Let's quickly look at each of the items I just mentioned.

First, TrumpCare will cost more and you will get less. By eliminating minimum coverage for healthcare plans and decreasing the availability of tax credits, the cost for average Americans will increase by at least \$1,000 annually. That is a huge increase, like a tax increase for average Americans who need healthcare. It cuts and caps Medicaid, which has expanded health insurance to over 20 million Americans, and affects poor people, as well as many elderly who are in nursing homes, as well as their children who might have to pay for their care with the kinds of cuts we are seeing.

The bill would greatly decrease coverage for maternity care, preventive screenings, mental health, opioid treatment, and more. With respect to women, TrumpCare would send us back to the Dark Ages. Gone are the protections for maternity care, mammograms, and more. Gone is all the funding next year for Planned Parenthood, where 2.5 million women a year get healthcare. The ACA finally made it