

the case that you no longer had to pay more for coverage just because you are a woman. TrumpCare rips that away, undoes the progress we made just a few years ago.

Second, TrumpCare would be a boon to the wealthy, while making working Americans pay more. The bill is a winning lottery ticket for wealthy Americans. It removes an investment tax and a surcharge on the wealthiest Americans, folks with incomes of above \$250,000 a year, saving them an average of \$200,000 a year, and it allows a tax break for insurance executives making over \$500,000 a year.

Third, TrumpCare will raise premiums and costs for older Americans. It would repeal the Affordable Care Act's premium subsidies and replace them with refundable tax credits that could be worth thousands of dollars less than what was provided under the ACA. Under this plan, a senior without Medicare might receive only \$4,000 a year in tax credits, an inadequate sum for someone of that age. One illness or a bad break, and the value of their tax credit would evaporate. It also allows insurers to charge older Americans more simply because of their age.

Finally, TrumpCare would remove the guarantee of coverage for Americans with preexisting conditions. TrumpCare is breathtakingly irresponsible. It shifts the costs and the burdens from the rich to the poor and middle class, from the government to the people, and raises premiums on older Americans. It seems designed to cover fewer Americans and make that coverage less affordable and less generous. It seems designed to make America sick again.

We don't even know how large a negative impact this bill will have because Republicans are irresponsibly rushing forward before this bill even receives a score from the Congressional Budget Office.

After years of howling at the Moon, at Democrats for rushing through the Affordable Care Act, the mantra they said over and over again on the floor here and in the House was "read the bill." Republicans are having committee votes 2 days after the bill is released.

No wonder they don't want anyone to know what is in the bill. They are rushing it through because it is very hard to defend what they have done, and the longer it is out there, the harder it is going to be for their colleagues, Republicans, to vote for it. Lawmakers will be voting blind, without a final analysis of how this bill will affect overall coverage and affordability. I know this affects a lot of my colleagues on the other side.

We have no knowledge of how this affects the deficit. It is removing a lot of the revenues for healthcare without replacing them. In all likelihood—we will see what CBO says—the deficit is going to go way up.

The President is already throwing his arms around this plan, and ultimately

he and his party will bear the responsibility for its passage and implementation. At this time, I would like to remind President Trump that he said repeatedly in the campaign that he would expand treatment for Americans suffering from opioid addiction, but this mess of a replacement bill would rip treatment away from hundreds of thousands of Americans dealing with opioid addiction. President Trump said he would ensure Americans with pre-existing conditions would continue to have access to coverage, but this bill makes that harder in several ways. President Trump, in his campaign, said:

Everybody's got to be covered. . . . I am going to take care of everybody. I don't care if it's going to cost me votes or not. Everybody's going to be taken care of, much better than they're being taken care of now. . . . They can have their doctors. They can have their plans, they can have everything.

"They can have everything."

Well, if you read the bill the way it reduces funding for Medicaid and replaces the Affordable Care Act subsidies with much smaller tax credits, there is just no way this bill meets the President's standard.

Was the Affordable Care Act perfect? No. It could use some improvements, but Democrats spent a long time thinking about it and crafting the policy to achieve two very real and specific goals, expand coverage, lower costs.

TrumpCare will do the very opposite. If it has any one coherent positive goal, it is to limit the tax burdens on the very wealthy, and in the process it will badly hurt millions of Americans and throw our healthcare system back into chaos.

If the final product out of the House looks anything like this draft, the Senate should consider it a moral duty to reject it.

I yield the floor.

#### DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 44, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 8 hours of debate equally divided in the usual form.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I am pleased the Senate is at the point we are this morning. Last night, we agreed to proceed to consideration of

H.J. Res. 44, which will overturn the Bureau of Land Management's Planning 2.0 Rule. The House has considered this already. They passed this resolution on a strong bipartisan basis. It was a 48-vote margin. They did this just before the February recess, and so it is now in front of the Senate.

As the sponsor of the Senate version, I have come to the floor now to explain to colleagues why this BLM Planning 2.0 Rule is such a bad rule and to urge its nullification.

There are probably a lot of folks that are asking the question: BLM Planning 2.0, what is it? It is not just folks that are listening, it is colleagues here. What exactly is Planning 2.0 and what exactly does Planning 2.0 do? A lot of people are saying: I never heard of this one. Where did it come from? Based on that, I think a lot of context is in order as we begin this debate.

The Bureau of Land Management is a Federal agency that manages 245 million acres of land in 12 Western States, along with 700 million acres of Federal and non-Federal subsurface estate.

Congress has directed the BLM to manage those lands according to the Federal Land Policy and Management Act. That is too long to say. So we just refer to it as FLPMA. It serves as the agency's organic act. It mandates a multiple-use mission for BLM lands. I think it is important to always remember that. BLM is required to manage under the concept of multiple use. It lays out a planning process for its mission. It establishes a special status relationship between the Federal Government and the States and the local governments that are affected by the agency's resource management plans.

I think it is important, as we are focusing on the BLM right now, that we remember that BLM lands are not national parks or wildlife refuges. They are not wild and scenic rivers or wilderness. BLM lands are working lands. They are valuable—not because they might contain a Mount Denali, like up north, or the Grand Canyon—but rather because these lands contain energy and minerals and they can be used. Again, this is the multiple-use concept. They can be used for grazing. They can be used for recreation and many other purposes.

They are valuable in this way and as such are a leading source of good jobs for families and communities all across the West. BLM's management of western lands has never been without controversy. That is part of the reason that the last administration decided to overhaul the regulations that guide the planning process. The stated goals from the administration were to create a better process that would increase transparency, increase public involvement, and reduce the amount of time it takes to develop a resource management plan.

So those clearly all sound like good ideas, good goals. Unfortunately, the reason we are here today seeking to overturn this planning 2.0 rule is that

the BLM absolutely failed to achieve any of those three goals. Instead of greater transparency, BLM delivered a new process that ensures less transparency. Instead of expanding public participation, Western States are looking at fewer and weaker opportunities to influence the management of local lands.

Planning 2.0 also turns the relationship between federal, state, and the local governments on its head. It just really turns it upside down. What actually happens then is that it has effectively subverted FLPMA, shattering the special status arrangement that the West is supposed to have under the Federal law.

As a Senator for the State of Alaska when this rule came out, I looked critically at it and I have problems with many aspects of the rule. I know I am joined by nearly all of my western colleagues and many who are not from the West but who have taken the time to understand how our land management laws are supposed to work and who have looked critically at this rule.

The more my staff and I have unpacked the Planning 2.0 Rule, the less we like it and the greater is our conviction that this rule should be overturned through the Congressional Review Act. That is why we are here. I could go on for quite some time, but for purposes of this statement, I will list this morning my four main criticisms, all of which compound each other and show why this rule must be repealed.

First of all, Planning 2.0 seeks to transition to a landscape-level approach for land management planning. It is not a bad concept on its own, really. I don't have any problem with BLM determining, for instance, where our solar resources are located, but to make that a defining measure and to make that a defining feature of a resource management plan is a bad idea.

It all but assures that new and revised plans will not have the level of detail or specificity that is needed to properly manage our local resources. It allows for planning areas to cross State lines without regard to the competing priorities of neighboring Governors. It does not ensure that existing State and local plans will be consistent. It is very obvious that BLM will deploy it as a mechanism to reduce or perhaps to eliminate many reasonable uses of Federal land that provide jobs and support communities all across the West.

The second criticism I have is that Planning 2.0 allows BLM officials to remove the decisionmaking authority from our field offices and our State directors, and it tends to centralize that power at BLM headquarters. So for those of us in the West, we are looking at a situation where effectively the management decisions of our land are being taken from those who are on the ground, people who really understand the conditions and are those who are most impacted by it. It shifts it back East to be decided by those who don't

have that same local understanding, who might not really have any understanding as to the areas and why this is so important.

So centralizing power at BLM headquarters, in my view, is never the right direction. I am not suggesting that this is going to happen every time with every decision. However it could happen at any time, whenever a future administration decides that a decision needs to be made at the headquarters level rather than locally. So now, at a moment's notice—perhaps without even any notice at all—decisionmaking authority can be taken away from a Western State with expertise and effectively siloed here in Washington, DC. That is not the direction to be taken.

The third area of concern I have is that Planning 2.0 reduces the ability of western stakeholders to provide input into the land management process, as well as their stature within it. So, again, it compounds the fact that you are shifting decisionmaking authority back here to the East. By further limiting stakeholders' input, that is very problematic.

Now, the agency has talked a good game about public participation. But if you read the rule, what it effectively does is just kind of front-load public input while cutting later opportunities for feedback. If left in place, Planning 2.0 would ensure BLM would be able to maximize its decisionmaking power while at the same time effectively sidelining input from Western States.

We previously were in a situation where western stakeholders had a seat on the stage before this rule, but under it they are really demoted. They are effectively demoted to a middle row in the mezzanine as part of a bigger crowd, but with no special status. I think it is important to keep that in context.

The fourth area of concern is that BLM 2.0 weakens and eliminates the requirements in FLPMA that require BLM to coordinate planning and resource uses with our States and local governments. Under this rule, BLM shifts the burden for making sure that resource management plans are consistent with State and local governments plans away from itself and onto the States and onto the local governments. That is not right.

The agency is also limiting the opportunities that those government have to identify and remedy deficiencies within and across plans wherever they may be found.

So here are a couple of examples this morning for the Senate, just to illustrate why so many of us are concerned about this and are opposed to Planning 2.0. You have to ask yourself: Is it fair and is it really what Congress intended, for a western stakeholder to have the same voice and influence over the management of their local lands as any other member of the general public from anywhere else, with no connection, no relationship to these areas?

To be more specific, should a small placer miner in Chicken, Alaska, or a

cattle grazer in Nevada be relegated to the same status as a lawyer in, say, Vermont who has never visited either Chicken, Alaska, or rural Nevada? My answer to this is pretty easy. It is a simple no. But that is what awaits us under Planning 2.0.

So here is a real world example of what Planning 2.0 will mean on the ground. Last year, the BLM finalized a resource management plan for 6.5 million acres of eastern Interior Alaska. Much of that plan was developed in accordance with the principles of Planning 2.0. So what does it actually look like for us up there in Alaska, in the eastern Interior area?

The plan closes nearly three-quarters of the 40-mile district, where the only economic activity, really, is placer mining—small placer mining. They closed it to mineral entry. More than 1 million acres are withdrawn into what they call "areas of critical environmental concern". This is a land management tool that BLM has used more and more in recent years to sidestep Congress's sole authority to designate Federal wilderness.

So the agency sought public comment, but it was limited public comment. Then it effectively ignored the comments that it did receive. Ultimately, very few Alaskans were able to participate in the development of the plan, and even fewer Alaskans are happy with the final outcome of the plan. As we expected and as we feared, the Planning 2.0 process was used to shut down a reasonable use of Federal land that the last administration just did not like. This was done even though it enjoys overwhelming support among local residents who really depend on it for their livelihood.

The Planning 2.0 process was also used to close off Federal lands to the public in violation of the "no more" clauses within ANILCA, or the Alaska National Interest Lands Conservation Act, even though there was no imminent threat or reason to do so. So, as colleagues are considering how they will cast their vote on this resolution of disapproval, I am sure, again, that many had not really focused on this Planning 2.0 before. Most of them would never be able to find Chicken, Alaska, on a map, and they are thinking: This is not going to impact me. I am not from the West.

But for those of us in the West, if you live in one of the 12 Western States that have BLM land, believe me, you are impacted. I would suggest that what we are seeing, starting in Alaska, is something that simply won't stay up there. If this rule is allowed to remain in place, you will see that move through all of our Western States.

BLM maintains and periodically revises dozens of resource management plans in its 12 Western states. So if Planning 2.0 stays on the books, I think what it will do is it will harm our Nation's energy producers. I think it will harm our mineral developers. I think it will harm those who rely on

Federal lands for grazing. It will most certainly cost us jobs. It will cost us economic opportunity, and it will hurt the communities and the people of our Western States.

I would ask that you don't just take my word for this. Six counties from six different States have challenged this rule as impairing the informational and coordination rights of local governments. They believe that it violates FLPMA and that BLM has failed to properly evaluate the impact that it will have. I think they have a very strong case. This is a fatally flawed rule. Our best option is to overturn it while we have the ability to do so under the Congressional Review Act and to hold BLM accountable to the underlying statute and its multiple-use mission. If we can agree to do that today, we can then work with our new Secretary of the Interior, Ryan Zinke, to make genuine improvements to the BLM land management planning process. I know that Secretary Zinke cares about our public lands. He understands these issues, and I think he is dedicated to ensuring that we get this right.

I would like to close by thanking the roughly 80 stakeholder groups that are supporting our disapproval resolution. I also thank the 17 Senators who are cosponsoring the Senate version of it. I thank the new administration, which has released a statement of policy in support of it. I also acknowledge and thank Representative CHENEY and Chairman BISHOP in the House, who led the resolution through the House with good bipartisan support a couple of weeks back.

It is now the Senate's turn to act on this. It is our turn to recognize why this rule deserves to be overturned. For the good of our Western States, let's send this disapproval resolution to the President's desk.

With that, I again urge the Senate to support House Joint Resolution 44.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Washington.

Ms. CANTWELL. Madam President, I come to the floor to speak in opposition to this resolution. Many of my colleagues know that we have had discussions in the Senate on several Congressional Review Act resolutions. In principle, Congressional Review Act resolutions—besides repealing these existing Executive regulations—also have the unfortunate aspect to them that they negate an agency's ability to make new rules anytime soon in the same area. For example, if you like some of this rule but not all of it, by using the CRA, you are literally preventing the agency from moving forward on any improvements to the rule.

I always believe in the legislative process. Working with my colleague from Alaska or working with my colleagues from other areas, I think we have proved that we can resolve key issues. But passing this Congressional

Review Act resolution on an issue so important as our public lands and negating the hard work that the executive branch did over a long period of time is something that my colleagues and I just have to say no to.

When it comes to public lands, we want transparency; we want sunshine. We want a bottom-up approach when it comes to land management, and we certainly want collaboration.

As was said earlier, the Bureau of Land Management manages about 245 million acres of public land. That is about 10 percent of the Nation and 30 percent of our Nation's minerals. So when it comes to this management, it is very important that they continue to follow a very good bottom-up process for land management.

I will read now from the actual requirements from the law that oversees them, the Federal Land Policy and Management Act. They have to use and observe the principles of multiple use and sustained yield; consider present and potential uses of the public lands; weigh long-term benefits to the public against short-term benefits; consider the relative scarcity of the values; give priority to areas of critical environmental concern; provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and coordinate with Federal Departments and Agencies, State and local governments, and Indian Tribes.

So all of these things are part of what is already in existing law. The concept here is to make sure that we continue to have a transparent and open process that is bottom-up. And I certainly believe in a bottom-up process because our public lands must not be territories owned and operated, for example, for the sole benefit of the oil, gas, and mining industries, and we can't have polluters polluting in these areas and not have input from the various communities about their concerns on those issues.

For example, in 2001, the Bush administration proposed revisions to six land use plans in eastern Utah, and these plans were finalized in 2008 at the end of the Bush administration, with only limited opportunity for public involvement. All six plans were challenged in Federal court by several motorized recreation and conservation organizations.

It is now 2017, and these plans still remain tied up in litigation. That is why those in the off-road vehicle industry did not feel as though they had input at the very beginning stages of the process. In January the Obama administration negotiated a settlement, which is still pending in court, but this shows how, if there isn't meaningful public involvement, we are just going to hit a logjam. This is why I think it is so important for us to update this rule.

It has been a long time since the agency updated this rule; I think since

1983. That was the last time—over 30 years ago. I guarantee you, in those 30 years, we can come up with a better process for input from our constituents on important land use issues.

I know the new Interior Secretary likes to talk about Teddy Roosevelt, who once said: "The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."

Ensuring we are preserving and increasing the value of our public lands is exactly what is meant by this planning rule that the Bureau of Land Management put out. This rule wants to make sure that we have input from the local community.

I think it is important to note that this is not a rule that regulates any specific use on public lands. It does not restrict any particular activity. It simply updates the current law in saying that it is better to have input from local officials and to use that input from local officials to update the process in an earlier way.

I said to my staff: It is like us huddling and saying that we should write legislation and then me not coming back for 7 years and then letting them know I am on my way to the Senate floor to drop a bill. We would never do that, and the land plans in these communities shouldn't be done that way either.

Once a local Bureau of Land Management official starts to discuss a plan, there should be transparency. The local community should know exactly what that plan looks like before it is going to be finalized. It needs to encourage collaboration of the stakeholders or else—as the example I just gave in Utah—you are going to end up in litigation or an elongated process before such management plans can take place.

It seems to me that these are pretty reasonable goals: Have a bottom-up process that encourages discussion throughout the plan so that local communities are not caught off guard, and continue to emphasize the roles of State, local, and Tribal governments and cooperating agencies so that they can have input in the process as well.

Finally, I know that there are some who would like to claim that the BLM State director oversees the planning process in their specific State and that somehow that might change, but that is not the case.

Many organizations understand that there will continue to be a bottom-up process under the new rule. That is why so many sportsmen and outdoors groups—like the Outdoor Industry Association, the National Wildlife Federation, Trout Unlimited, the Theodore Roosevelt Conservation Partnership, the Nature Conservancy, the Wilderness Society, and the National Parks Conservation Association—all say: Do not overturn the rule that was implemented. These groups know that 30 years is too long of a period of time to have to wait to encourage public involvement and collaboration, that

these issues are too important to try to turn back the clock and to try to exclude sportsmen and various interests of public access from the planning and use of our public lands.

I hope my colleagues will turn down this override of a very important project that has guaranteed public access, transparency, and sunshine in planning for our public lands.

#### MEDICAID

Madam President, I would like to come to the floor to discuss the proposed Medicaid changes that are part of what the House is proposing to the Affordable Care Act. This is so important because, as many people know, Medicaid has been a bedrock of how individuals get access to healthcare in our country. And in many parts of our States—at least the State of Washington—Medicaid has been a lifeline in both rural communities and in urban areas and we have heard much from various people that it is actually helping to stabilize healthcare costs, so costs are not rising as fast and giving people access to care in the most serious situations where we are trying to fight opioids or are trying to find more efficiency in our healthcare system.

First of all, I think the House bill is literally a war on Medicaid. I say that because it is a capitation of healthcare costs.

The federal government, according to one budget analyst at the Center on Budget and Policy Priorities, would shift the cost to the States by more than \$500 billion over the next 10 years. That would mean that millions of people would lose coverage and be affected by this kind of repeal.

Now, many people have talked about how they might block-grant Medicaid. I also thought that was a horrible idea because, really, it just becomes nothing but a budget mechanism to reduce the Federal partnership that exists between the Federal Government and the States on Medicaid. But the House chose not to do exactly block-granting. They said, instead, that we are just going to have a budget cap at the Federal level on how much money they are going to spend on Medicaid and then work toward the repeal of Medicaid expansion. This is a very bad idea.

The actual per capita cut—I know my colleagues like to come out here and talk about a patient-centered relationship, which is exactly what getting off fee-for-service and going to managed care does. But a per capita cost is nothing but a budget mechanism to cap the Federal responsibility to Medicaid and cut costs and basically shift the pain onto the States.

I have been on various meeting tours in the State of Washington, talking to my constituents about this. In Seattle, Spokane, and Olympia. I met with hospitals, community clinics, women's health groups, local and State government officials, civic leaders, civil rights organizations, and I heard many things.

I basically heard hospitals say there is evidence that Medicaid is actually

lowering the commercial insurance premiums because of less uncompensated care. And I heard a safety net hospital in Spokane tell me that the population is already 70 percent Medicaid and Medicare and that there is no way they can absorb this kind of a cut to the Medicaid program and it would just mean healthcare costs would rise in the future. I heard a hospital in Seattle tell me that this kind of attempt is nothing but a budget trigger. It is not a reform of the system. It is simply a way to cut the budget.

What we believe is that Medicaid is a key part of our healthcare delivery system. The expansion has worked well and we should continue to move to ways to innovate Medicaid as a way to save costs.

Unfortunately, right now, many people misunderstand how important Medicaid is in the mental health and addiction area. Basically, when you take what we have tried to do to address the opioid epidemic, those individuals who are working through the bills that we just recently passed to try to help patients in the emergency room or who are in psychiatric care or who are trying to deal with this grave problem we have in the United States, getting rid of Medicaid for those individuals, you might as well roll back all the assistance we just provided as part of the CURES and other legislation. Why? Because these individuals will not be able to access the type of care they need without the support.

I do believe that what we need to do is innovate instead. There are many examples of innovation in our healthcare delivery system. One example, as I have mentioned on the floor several times, is going from nursing home care to community-based care.

Medicaid is going to equal long-term care. So many Americans are not going to be ready to deal with their long-term healthcare issues, and when they are not, they are going to use Medicaid for their long-term care.

We showed in the State of Washington over more than a decade's period of time that we could save \$2.7 billion by shifting our Medicaid population to community-based care instead of nursing home care. If we would do that same kind of innovation at the Federal level, we could achieve substantial savings instead of saving money by cutting.

The issue here is that innovation in our delivery system—innovation, not a budget cap—is what is going to help us with our healthcare needs for the future when it comes to the Medicaid population.

So I urge my colleagues to speak loudly against this proposal to try to cap Medicaid, to try to shift the burden to States and local providers, to county governments, to jails, to all of those individuals who are going to see that population when and if they don't have Medicaid coverage and instead work together on expanding the innovation in Medicaid and coming up with sav-

ings we need to take care of and to provide health insurance coverage to so many Americans.

With that, I yield the floor.

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

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

#### NUCLEAR ENERGY INNOVATION AND MODERNIZATION ACT

Mr. BARRASSO. Mr. President, I rise today to speak about bipartisan legislation designed to strengthen our Nation's nuclear energy capacity. It is called the Nuclear Energy Innovation and Modernization Act. I am a strong supporter of American nuclear energy. It is a vital component of our "all of the above" American energy plan. My home State of Wyoming plays a key role in American nuclear energy supply. In Wyoming, we produce more uranium than any other State.

Nuclear energy is clean, safe, reliable, and affordable. It also provides a major boost to the economy. American nuclear plants provide thousands of jobs and millions of dollars in benefits to local communities. U.S. nuclear powerplants have run safely for decades, and many of them will serve our country for years and decades to come. But after decades of reliable power from our traditional nuclear powerplants, these nuclear powerplants are experiencing innovation with opportunities that are now taking shape in the nuclear industry. Increased private investment is occurring in nuclear energy, and it has led to improvements in safety, security, and in cost.

This is no longer a traditional nuclear industry. There are nuclear startups which are being backed by American entrepreneurs. Research and work are being done by Bill Gates, of all people. These folks envision fundamentally transforming nuclear energy technology. I believe the advances are exciting. The biggest challenges these innovators face, however, are the costs and delays from regulatory red-tape. Many of these delays come from trying to navigate a regulatory system that was developed around one specific technology, which is water-cooled reactors. The traditional water-cooled reactors have powered our Navy and our electricity grid and have done it successfully for decades, but today's entrepreneurs are pursuing very different designs. They are using high-temperature gases, molten salts, and other high-tech materials to advance the safety, efficiency, and reliability of nuclear energy.

The nuclear regulatory system needs to be updated to enable this innovation. That is why I join with my colleagues in introducing the Nuclear Energy Innovation and Modernization

Act. Cosponsors include Senators WHITEHOUSE, INHOFE, BOOKER, FISCHER, CAPITO, and MANCHIN. We come together having introduced S. 512. Our bipartisan bill seeks to modernize the Nuclear Regulatory Commission by providing a flexible regulatory framework for licensing advanced nuclear reactors. The NRC needs a modern regulatory framework that is predictable and efficient. Reactor operators for both traditional and advanced reactors need timely decisionmaking from the Nuclear Regulatory Commission. At the same time, the Commission needs to maintain its ability to assess a variety of technologies and meet its mission of administering safety and security to the American people. Additionally, our legislation will update the Nuclear Regulatory Commission's fee recovery rules.

This measure is going to bring increased transparency and accountability to the NRC, while also improving the Commission's efficiency and timeliness.

This bill will also help to preserve the uranium producers who are essential to powering the technology. The Energy Information Administration reports that uranium production in 2016 was at its lowest level since way back in 2005. It is crucial that we restore our American uranium sector and preserve these important jobs.

Our bipartisan legislation is going to enable the development of innovative reactors with bold, new technologies. As a nation, we can either lead this technology revolution or we can defer to our competitors. China and Russia are already developing advanced technologies regardless of what we do here in the United States. America needs to be a leader of nuclear development. We need to create an environment where entrepreneurs can flourish. This is the way to create jobs here at home and revitalize our nuclear energy sector at the same time.

One way to enable innovation for advanced reactors is to provide a regulatory framework that is predictable and cost-effective and that maintains the NRC's safety and security mission. The bill we have introduced, the Nuclear Energy Innovation and Modernization Act, does all of this.

This broadly bipartisan bill will strengthen American energy independence and foster innovation and job creation. I thank Senators WHITEHOUSE, INHOFE, BOOKER, CRAPO, FISCHER, CAPITO, and MANCHIN for cosponsoring this legislation, and I urge its support.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado.

Mr. GARDNER. Mr. President, I know the Presiding Officer is a fellow westerner, from a State that is impacted by decisions made by our public lands management agencies, whether that is the Bureau of Land Management or the Forest Service. Both Colorado and Arizona, as well as Wyoming and Utah—all of our Western States—are greatly affected by decisions that are made in Washington, DC. In a conversation I had with the Presiding Officer from Arizona, we discussed the fact that 85 percent of the State of Arizona is managed by the Federal Government. Whether it is the State or a Tribal entity or the Federal Government, about 47 percent is being federally managed. In the State of Colorado, about half of our State is managed by a public entity. Whether that is the State or a Tribal entity or the Forest Service, BLM land, the Department of the Interior, roughly half of the State is managed by the Federal Government, the State government or others. In other words, it is not in private landownership. So that means that the decisions made by these public land management agencies have a significantly outsized impact on our States than it does on States say east of the Mississippi.

So today I come to the floor to talk about one of those decisions made by the Bureau of Land Management's planning 2.0 rule. The discussion we are having today is about whether we should approve a resolution of disapproval under the Congressional Review Act to stop the BLM 2.0 rule from going forward.

The Bureau of Land Management has over 245 million acres of public land. Almost all of those acres are west of the Mississippi River, predominantly in 12 States. The final BLM 2.0 rule is an example of how little Washington bureaucrats understand about the West and how little they understand about how the Federal Government and how Federal policymaking doesn't work when you try to take something they think of in Washington and put it on the people of the West.

It is the promulgation of this rule that actually led to my call for relocating the headquarters of the Bureau of Land Management out of Washington, DC, and to put it in a place like Grand Junction, CO, because I believe it is important that we have public land managers and decisions about our public lands being made by those who are directly affected by that public land being in their backyard. If you live in the State of Colorado or if you are a county commissioner on the Western Slope, some of those counties have over 90 percent of their county managed by the Federal Government. A decision made by that public land agency directly impacts them, not in a couple of weeks or months or next year but that very same day. To have somebody from Washington, DC, deciding a one-size-fits-all approach that is going to apply to a Western Slope county

commissioner is just absurd. So moving the BLM headquarters to a place like Colorado or Arizona would absolutely result in better policies that work on the ground for our Governors, landowners, county commissioners, farmers, ranchers, cattlemen, energy producers, sportsmen, and recreationalists because they would be nearest to the lands that the decisions being made are affecting.

I hope we can move this country away from this "Washington knows best" mentality. That is why this resolution of disapproval is so important, because that is exactly what it would do, which is to remove "Washington knows best" by stopping the BLM planning 2.0 rule.

As it stands, I don't believe this rule should move forward. I have committed to Coloradans, to county commissioners, and to the people of my State that I will always have the goal to put more Colorado in Washington and less Washington in Colorado. A county commissioner in western Colorado, from Dolores, Garfield, Grand, Gunnison, Hinsdale, Jackson, Mesa, Moffat, Montezuma, Montrose, or Rio Blanco County should have more say in decisions that are impacting their backyard on BLM lands than someone sitting behind a desk in New York City. They tell me that their ability to have an impact on their backyard lessens as a result of the BLM planning 2.0 rule. They believe they actually have less say under the new rule than somebody who doesn't live anywhere near their land or their State or their county or those BLM lands.

I believe that Colorado State and local leaders and local users should have a strong voice on local land management decisions. It is their backyard. Yes, it is public land, but the fact is they are the ones trying to make a living, trying to govern, trying to make decisions that are best for their constituents, and they should have a voice in those decisions.

I also firmly believe in managing our public lands under the multiple-use philosophy, which promotes recreation, grazing, and energy development with a balanced approach.

If the Congressional Review Act's resolution of disapproval on the BLM planning 2.0 rule is approved and signed into law, there will still be an opportunity to improve management and update policies at the Bureau of Land Management.

I think that is one of the areas of misinformation that we see about resolutions of disapproval. There are some who support the BLM planning 2.0 rule, and there are some who have supported other rules that this Chamber has voted to disapprove through the Congressional Review Act. Those people who support it sometimes get their facts wrong when they say things like: Well, if you repeal this rule, if you approve the resolution of disapproval, then there is no way that you can actually rule in this area again or make a

regulation that impacts this area of law again. That is simply not true. The truth is, when you use a resolution of disapproval, it simply says that we think this is the wrong rule that went forward through the executive branch agencies and we ought to use Congress—those people who understand the needs of their States better than a rulemaker in Washington, DC—to go forward with a new piece of legislation, a new authorization for a different rule. If we do that, then, we are going to have better policies because we have been able to account for every voice in the process, instead of leaving voices like those county commissioners, whom I talked about, out to dry.

I have told many recreationalists and sportsmen in Colorado that I am working with our Democratic colleagues and Secretary Zinke at the Department of the Interior on how we can move forward with the land management decisions and land use plans that take into account some of their concerns with this resolution of disapproval. There are updates and modifications that can be achieved, but they should all have stakeholder input. I don't believe that this planning rule 2.0 actually took into account all of the different stakeholders' views.

Working with some landowners cannot be at the expense of others. Right now, our cattlemen, farmers, ranchers, and county commissioners have severe concerns with BLM planning 2.0, and they feel as though they did not have a voice in the development of this rule.

I believe we can do better as elected officials and that we can give these local users' and landowners' interests a stronger voice in moving forward and that we can move forward together. So let's approve this resolution of disapproval that would claw back the BLM 2.0 rule. Let's make sure that local voices are given a place at the table. Let's make sure that county commissioners have influence over their area that is greater than somebody in New York City who doesn't live there. Let's make sure that we can protect the multiple-use philosophy of our public lands. Whether it is energy, recreation, or renewable energy, we have incredible opportunities on our public lands. But we can do better by working with Congress and taking into account every voice and making sure that we have a rule that is broadly supported instead of narrowly supported.

That is why I intend to support the Congressional Review Act resolution of disapproval today, and I hope that my colleagues will do the same, as we truly find a bipartisan solution to give the people of our States a greater say over policies that affect their own backyard.

Mr. President, thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Washington.

TRUMP CARE

Mrs. MURRAY. Mr. President, I come to the floor to take a few minutes to

address the deeply harmful bill House Republicans announced yesterday to be put in place, TrumpCare. Since the election, I have had constituent after constituent come up to me with tears in their eyes wondering what the future holds for their healthcare. They are worried about losing coverage, wondering how they are going to make ends meet if their premiums spike, and they are worried that without protections laid out in the Affordable Care Act, insurance companies will once again have more power to decide what kinds of care are and are not covered.

My constituents and people across the country were listening when President Trump said he would provide "insurance for everybody" that would be higher quality and lower cost. They heard Senate Republicans say it is important any new healthcare plan "do no harm." They even saw House Republicans reassure them that they wouldn't "pull the rug out" from under anyone on ObamaCare.

This legislation that has now been rolled out represents a broken promise to patients and families. It will leave them sicker, more vulnerable to the chaos Republicans are creating within our healthcare system, and less financially secure. Millions of people who only just gained Medicaid coverage will lose it. Premiums could increase as much as 30 percent for people who lose coverage because they are too sick to work or become unemployed. People struggling with mental illness and substance abuse disorders, including opioid addiction, which is ravaging States nationwide, may find their insurance no longer has to cover the treatment they need. Key public health programs that families across the country rely on would be slashed.

TrumpCare would be a disaster for our workers and our families, but let's be clear about whom it does work for: those at the top. TrumpCare not only harms the same workers and families Republicans promised to help, it does so in order to reduce the tax burden for the wealthiest and for the insurance companies. In fact, this bill even includes a payout for insurance company executives. This is the definition of taking our healthcare system backward.

I also want to make it clear what TrumpCare will mean specifically for women. As someone who has fought time after time to protect women's ability to make their own healthcare decisions, I can tell you, this bill is a wish list by and for the extreme politicians who insist on telling women what to do with their own bodies. It will defund Planned Parenthood. It will undermine key protections for women's healthcare that were included in the Affordable Care Act. By slashing Medicaid, this bill will take coverage away from low-income women and women of color who disproportionately rely on Medicaid to get the care they need.

I cannot oppose this bill more strongly, and I am going to be doing every-

thing I can to fight back against it. I know Senate Democrats are ready to do so as well, and I urge any Republican who is truly concerned about their constituent's health, their well-being, and their financial security, rather than just partisan politics, to do the right thing and join us.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

REPEALING AND REPLACING OBAMACARE

Mr. CORNYN. Mr. President, yesterday the House of Representatives released a way forward to dismantle and replace ObamaCare, which will be to deliver on one of our biggest campaign promises made to the American people, not just in 2016 but in essentially every election since 2010.

We know ObamaCare has been an unmitigated disaster. Premiums on the ObamaCare exchanges are up by 25 percent. Millions of Americans have been kicked off their healthcare plans, and the economy has been saddled with billions of dollars in new regulations.

The fact is, ObamaCare has been one broken promise after another. President Obama and advocates of this law said if you wanted to keep your plan, you could keep it, but that didn't pan out. They said if you liked your doctor, you didn't have to find another one. That didn't turn out to be true either. They promised people across the country would have more coverage, more options, and better healthcare, all at a more affordable price. Well, that ended up not being true either.

The truth is, ObamaCare hasn't made healthcare more affordable for a lot of Americans. In fact, in Texas, if you have a gross income of \$24,000, you can end up spending up to 30 percent of your gross income just on healthcare costs. That is not affordable healthcare. That is unaffordable healthcare.

Clearly, ObamaCare is no gold standard. It is a failed piece of legislation, one that is full of empty promises and one we have to scrap and start over again. Now we have an opportunity to do better for the people we represent, who are counting on us to deliver, to repeal ObamaCare and replace it with options that work.

I believe the plan released last night is a major step in the right direction. Patients need better tools like health savings accounts. That way they have more control over their healthcare decisions, and we can keep the bureaucracy out of it. We need to break down the barriers that restrict choice and keep Americans choosing an insurance plan that works for them and their families, and we need to empower employers, particularly small business owners, to provide their employees with the kind of affordable coverage that meets their needs.

To sum it up, we need to move healthcare decisions out of Washington and send them back to the States and back to patients and families and their doctors. That will only happen once we



repeal ObamaCare and replace it with options that work for more affordable healthcare coverage that patients choose, not that the government mandates and punishes you if you don't buy it but freedom of choice at a better cost and meeting the needs of individual patients.

I am glad our colleagues in the House and our friends in the White House fully understand why this is such a priority and why we need to keep the promise we made. As soon as we can do that and deliver on that major promise to the American people—the sooner we do that, a whole lot of American families across the country will feel relief.

#### NOMINATIONS

Mr. President, this morning, the Senate Judiciary Committee considered the nominations of Rod Rosenstein and Rachel Brand as Deputy Attorney General and Associate Attorney General, respectively. Both of them are longtime, well-respected public servants. Mr. Rosenstein has spent his career serving the Justice Department and Presidents of both political parties. In fact, Mr. Rosenstein started in the George H.W. Bush Justice Department back in 1990, and he served every President since that time. He is a career public servant who has served in a bipartisan manner and has also been confirmed by the Senate. President Bush appointed him to be U.S. attorney and so did President Obama.

When the Obama administration needed a prosecutor of the utmost integrity to investigate national security leaks that looked highly political, they turned—you guessed it—to Rod Rosenstein. Put another way, if Rod Rosenstein is not an acceptable nominee, who is?

This morning in the Senate Judiciary Committee, I heard some of our colleagues suggest that Mr. Rosenstein needed to make a pledge to appoint a special counsel if he was confirmed as Deputy Attorney General. We had two of our Maryland colleagues extoll his credentials, and rightly so, and call him a person of the utmost integrity and professionalism. Yet they, in essence, wanted him to fire himself once he became Deputy Attorney General and appoint a special counsel to do the job he would be confirmed and nominated to do. He wisely declined to make that judgment, certainly before he has had access to the facts and the information needed.

I believe he will make a formidable Deputy Attorney General, but instead of actually vetting the candidates on the merits of their impressive backgrounds and strong credentials, some used the hearing as an opportunity to air their various grievances on the current Attorney General, our former colleague Jeff Sessions. Over the weekend, some went so far as to threaten to block Mr. Rosenstein's nomination if he wouldn't agree to appoint a special counsel.

I hope my colleagues in this Chamber don't stonewall his nomination or use

it as a platform to disparage Attorney General Sessions. The Attorney General made a decision to recuse himself from a further official role in looking into the allegations of Russian involvement in our election in 2016. I respect his decision. The fact is, we don't need another commission to study Russian involvement in the last election because we have a bipartisan Senate Intelligence Committee, chaired by Senator RICHARD BURR and the Vice Chair is MARK WARNER—a bipartisan Senate Select Committee that is doing a deep dive into the allegations, including gaining access to classified information which would be important to consider in reaching a conclusion.

Yesterday I was out at CIA Headquarters and saw four large binders' worth of classified material, which obviously I am not going to discuss, but it demonstrates that this investigation is already well underway. Members of the committee and our staff are already working with the intelligence community to get the information we need in order to reach an impartial and bipartisan conclusion.

The fact is, our Democratic friends have a short memory when it comes to the Obama Justice Department, one of the most politicalized Justice Departments in American history. Loretta Lynch, who privately met with President Bill Clinton while her Department was investigating his wife's email scandal, never recused herself from the matter.

Then there was Attorney General Holder. To my knowledge, he was the first Attorney General ever held in contempt of Congress because he refused to cooperate with our legitimate oversight responsibilities when it came to Operation Fast and Furious. Well, he never recused himself and never appointed a special counsel, even though I believe he should have. Compare Attorney General Sessions, who did what he believed was the right thing to do. He recused himself when there was even a suggestion he might not be able to be impartial. He made that commitment from the beginning, well before he was confirmed. He stood by that promise last week. Attorney General Sessions' integrity is intact, and he did the right thing, but Loretta Lynch didn't. Eric Holder didn't.

For our colleagues now to suggest that Attorney General Sessions not only should recuse himself but he should resign is beyond outrageous. To suggest that the incoming Deputy Attorney General, Rod Rosenstein, should somehow abdicate the role he has been nominated for, and to which he will be confirmed, is to ask him to prejudge the case before he has even had a chance to look at the evidence.

All I am asking for is our colleagues to have a little perspective. These nominees are the right caliber of people with the exact expertise we need to make sure our Justice Department runs effectively and impartially follows the law of the land. These are the

types of leaders you want to handle the big issues facing the Department of Justice.

I hope soon our colleagues on the other side of the aisle will turn their attention to doing what the American people sent them to do; that is, to consider legislation rather than dragging their feet and blocking the Trump administration from getting the team he has chosen to work with in various Cabinet positions and sub-Cabinet positions.

Hopefully, soon they will decide not to obstruct progress and grind this Chamber's business to a halt but rather will be partners with us, working together to try to build consensus where we can and move the country forward.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. HOEVEN. Mr. President, the Bureau of Land Management has a mission set by Congress; that is, to manage the Nation's public lands under the principles of multiple use and sustained yield, which means that public land should be open to everything, from hunting and grazing to energy development and other reasonable uses.

The BLM currently manages more than 246 million acres of land and 700 million acres of Federal and non-Federal subsurface estate. Much of these lands are in the West, where Federal acres coexist with private and State-owned land. In order to manage its resources effectively, BLM is required to provide resource management plans. This planning has typically been led by BLM's field offices, in coordination with State, local, and Tribal governments that provide local input on how best to manage the land and its unique resources. However, in the final months of the last administration, the BLM sought to apply a top-down approach, essentially a one-size-fits-all, top-down approach to this resource management process. They termed it the planning 2.0 final rule.

The rule which was finalized in December changed how this planning is done and undermined the well-established process by limiting the ability of local input, public comment, and meaningful State consultation.

The final rule also pulled decision-making away from the regional BLM field offices and centralized it at BLM's headquarters in Washington, under the concept of "landscape-level planning," which lets Washington define new

areas covering multiple States. The rule takes important decision-making away from local officials who know the land and understand the needs of their communities.

The BLM rule sought to ignore the multiple-use requirements established by Congress and diminishes the importance of energy development. The rule tilts the balance in favor of conservation and non-development and away from responsible energy development, as well as other uses, like grazing.

In a State like North Dakota, with a distinctive patchwork of underground Federal minerals and private or State surface ownership, this creates more uncertainty for energy producers and more difficulty for our ranchers. By repealing this rule, we are preserving our longstanding tradition of allowing multiple uses on Federal lands, while protecting the livelihoods of our ranchers, energy producers, and many others. That is why this resolution is supported by the North Dakota Stockmen's Association, along with the National Association of Counties, the National Association of State Departments of Agriculture, the Farm Bureau, the National Cattlemen's Beef Association, the Public Lands Council, and the U.S. Chamber of Commerce, just to name a few.

I am proud to be an original cosponsor of the CRA on the BLM planning 2.0 rule. I thank Chairman MURKOWSKI, the chairman of our Energy Committee, for her leadership on this important issue.

The House passed this CRA on February 7 in a bipartisan manner. I am hopeful the Senate will do so as well and send this bill to the President's desk this week.

Today's CRA ensures that State, local, and Tribal input and expertise should guide the management of our public lands. Let's stop the BLM's planning 2.0 rule and give the people who live and work in these communities a say on what happens in their hometowns. We can do that by voting for this CRA. I urge my colleagues to do so.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, the people spoke loudly last fall. For too long, the Obama administration ignored the common sense of those who managed the lands and our natural resources. Now is the time for that power to be put back into the hands of the folks who know it best; that is, the people of Montana, not Washington, DC. And the Bureau of Land Management's Planning 2.0 rule is no different.

The resolution we are debating today, H.J. Res. 44, would block the implementation of a rule that would fundamentally change the land planning process at the BLM. It would be for the worst.

During the Obama administration's final days in office, they put through many midnight rules costing a total of

\$157 billion, including this rule shift which was issued on December 12, 2016, which fundamentally changes the land planning process. The rule shifts the planning and decisionmaking away from those who know the land best, away from BLM regional field offices, and back to BLM Headquarters in Washington, DC. That is the exact opposite direction that land management should be going, and that is why this rule must go also.

This rule limits the voice of our local and State governments, and it strengthens the voice of folks who are living far away from the lands that are impacted.

Montana farmers, Montana ranchers, Montana miners, the Montana electric co-ops, Montana conservation districts, and Montana county commissioners have all expressed a concern for this rule and have urged congressional action. And there can't be a more commonsense list of Montanans than that list I just mentioned. In fact, even the western Governors are concerned. As recently as February 10, 2017, our own Governor of Montana, Steve Bullock, and Governor Dugaard from South Dakota urged Congress to direct BLM to reexamine the rule. "Governors are concerned that BLM's emphasis on landscape-scale planning may lead to a resulting emphasis on national objectives over state and local objectives." "Collectively, these changes severely limit the deference Governors were previously afforded with respect to RMP development." That is what our Governors are saying. I am quoting our Governors from the West.

There needs to be more balance in Federal land management. For the last 8 years, we have been out of balance. Oil and natural gas development on Federal lands dropped significantly under President Obama. In fact, for natural gas, we have seen an 18-percent decrease, while oil production on private and State lands doubled, versus the same on Federal land.

Montana has nearly 2 million acres of public land that are inaccessible to the public. Our farmers and ranchers in Montana need a more balanced partnership with the Federal land managers. They deserve more input in the development of land management policies, not less. By the way, our Federal forests in Montana are in dire need of more active management.

So where do we go next? There is no disagreement that revisions need to be made. Let's take this rule back to the drawing board and do it right. Let's work with our new Secretary of the Department of the Interior, RYAN ZINKE, a Montanan, and President Trump to restore more western commonsense to land management.

I urge my colleagues to support H.J. Res. 44.

#### RECESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate re-

cess until 2:15 p.m. and that the time during the recess be charged equally to both sides on the joint resolution.

There being no objection, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FLAKE).

#### DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR—Continued

The PRESIDING OFFICER (Mr. PORTMAN). The Senator from Utah, the President pro tempore.

#### COMMEMORATING RARE DISEASE DAY

Mr. HATCH. Mr. President, I ask unanimous consent to engage Senator KLOBUCHAR in a colloquy to commemorate Rare Disease Day in order to discuss issues facing patients and the families of those who have been diagnosed with these types of conditions.

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

Mr. HATCH. Mr. President, as co-chairs of the Rare Disease Caucus, Senator KLOBUCHAR and I have worked hard to bring more hope to patients and their families who are coping with rare diseases on a daily basis.

Today 1 in 20 individuals worldwide is living with one or more of the more than 7,000 rare diseases, 95 percent of which do not have an effective treatment. While the incentives provided by the Orphan Drug Act, first championed by me in 1983, has led to the approval of nearly 600 orphan drugs, much more needs to be done.

Many patients living with rare diseases rely on the FDA to evaluate and approve treatment options for their conditions. That is why it is so important for the FDA to use its authority to accelerate the evaluation and approval of drugs for treating rare diseases and for Congress to ensure that proper incentives exist for research to discover and make affordable treatments and cures available for this community.

To address this issue, Congress passed the FDA Safety and Innovation Act of 2012, which refined and strengthened the tools available to FDA to accelerate the evaluation and approval of new drugs targeting unmet medical needs for rare conditions. I have been paying close attention to how this new authority translates into advances for patients suffering from conditions such as Duchenne muscular dystrophy, atypical hemolytic uremic syndrome, Bertrand-N-glycanase deficiency, and other rare diseases.

In light of these changes over the past few years, I ask my friend from Minnesota whether the current approval process is achieving its goals of safety and efficacy without hampering the development of new therapies.

Ms. KLOBUCHAR. I thank Senator HATCH for beginning this colloquy. I am so proud to be a cochair of the Rare Disease Caucus with him, and I share my colleague's concerns. I think there must be improvements that are made. I