

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 58, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

CALLING FOR AN INDEPENDENT, BIPARTISAN COMMISSION

Mr. DURBIN. Mr. President, in recent weeks, we have seen an astonishing series of revelations about Russia's efforts to influence the 2016 election in support of the Donald Trump campaign. Last week, the Washington Post reported that Attorney General Jeff Sessions met with the Russian Ambassador in July and September during the campaign. Yet, during his confirmation hearing, the Attorney General said under oath: "I did not have communications with the Russians."

Last Thursday, the Attorney General announced he would partially recuse himself from any investigation into the Presidential campaign. I note that this was a partial recusal when it comes to investigations into Russia's influence on President Trump and his circle of advisers and associates. The scope of the recusal is still unclear. For example, Attorney General Sessions does not even appear to believe that his own meeting with the Russian Ambassador on September 8, 2016, was related to the campaign. The scope of his recusal will need to be clarified.

We also continue to learn of previously undisclosed communications between the Russians and President Trump's inner circle. For example, we learned last week that Jared Kushner, President Trump's son-in-law and senior adviser, had met in December with the Russian Ambassador in Trump Tower, along with the President's National Security Advisor, Michael Flynn, who resigned on February 13. People across America are wondering when the next shoe will drop.

It is becoming clear that the President is desperate to change the head-

lines from these Russian revelations—so desperate, in fact, that in a series of tweets on Saturday morning, President Trump claimed that President Obama had wiretapped Trump Tower in an act President Trump described as "McCarthyism" and "Nixon/Watergate." Well, President Trump's tweets again made news but not in the way he had hoped. It quickly became clear that President Trump has no evidence to back up his claims. In fact, it appeared he got his information not from America's law enforcement or intelligence agencies but from rightwing talk radio.

On Sunday, the former Director of National Intelligence, James Clapper, denied the President's claims, and the Director of the FBI, James Comey, took an extraordinary step of calling on the Justice Department to publicly deny the President's claims. Even Republicans like House Oversight Committee chairman JASON CHAFFETZ and TREY GOWDY, chairman of the Select Committee on Benghazi, said they had not seen any evidence that would support what President Trump tweeted. Nonetheless, the President's spokespeople doubled down, saying that the President does not accept the contention of the FBI Director and he stands by his tweets.

Let's be clear. President Trump is playing games with the credibility of his Presidency. Donald Trump is destroying the credibility of the Office of the President 140 characters at a time. If President Trump had consulted with his adviser—any credible adviser—prior to his tweets, he would have learned something that is crucial, and it is as follows: The President of the United States does not have the authority to order a wiretap. Instead, such a wiretap can be granted upon a finding by a court that there is probable cause to believe the target has committed a crime or is an agent of a foreign power.

Clearly, there are more revelations to come. The only question: How long is it going to take? How much damage will be done to the credibility of the Office of the President and America in the process?

These recent events confirm yet again the need for an independent, transparent, bipartisan commission led by Americans of unimpeachable integrity to get to the bottom of this Russian attack on the United States. Russia attacked our democracy. We need to fully understand what happened. We certainly need to prevent it from happening in the next election or ever again.

This week, a USA TODAY/Suffolk University poll found that Americans, by a margin of 58 percent to 35 percent, believe an outside independent investigation is needed into Russian involvement in our election. It is worthy of note that just a few weeks ago, only 30-something percent of the American people were aware of this controversy with Russia. Now over 55 percent of people want an independent investigation. America is listening.

We also need the Justice Department and the FBI to proceed with a credible, impartial investigation to determine if there may have been any criminal conduct involved.

Yesterday, the President's nominee for Deputy Attorney General, Rod Rosenstein, appeared before the Senate Judiciary Committee. If confirmed, Mr. Rosenstein would oversee any Justice Department investigation into the Trump administration's Russian connections after Attorney General Sessions has partially recused himself. So I pressed Mr. Rosenstein to clarify the scope of Attorney General Sessions' recusal commitment. I also asked, as did Senator FEINSTEIN, whether Mr. Rosenstein had read the January 6 Intelligence Community assessment into Russian election interference. I cannot explain it, but in 2 months Mr. Rosenstein had not read this 15-page, unclassified report that is available on the internet. It focuses on the major issue he will face initially as Deputy Attorney General, and he told us he had not read it.

Let me add that I respect Rod Rosenstein. He served as U.S. attorney in Maryland, appointed first under a Republican President and held over under a Democratic President, and that says a lot about his professionalism as a prosecutor, his reputation, and his integrity. It is hard for me to believe that he could come before a hearing, which he knew would focus on the need for a special prosecutor to look into this Russian interference, and not have been briefed to read the 15-page public report that summarizes the conclusions of all of America's intelligence agencies when it comes to this Russian interference.

I am sure he is an excellent lawyer who wouldn't enter a courtroom or stand before a judge or jury without complete preparation to the best of his ability, but yesterday, time and again, he told us he didn't take the time to read this report. I urge him to do so as quickly as possible, and when he reads it, he will see that our intelligence agencies are unequivocal in their statement that Vladimir Putin was setting out to elect Donald Trump and to defeat Hillary Clinton. This is not a report from the Democratic National Committee; it is a report from our intelligence agencies. And whomever Putin was trying to help, that is secondary to the fact that he was hacking into the internet, disclosing materials, and trying to become a material player in our Presidential election.

Mr. President, 3 weeks ago, I went to visit Poland, Lithuania, and Ukraine. They are watching this carefully because they have been the victims of Vladimir Putin and Russia's attempts to interfere in their elections, and now they hear the United States has been victimized by Putin, as well.

One of the scholars in Poland asked me what I thought was a very clear question, and I can't answer. He said: If

the United States will not take the interference of Putin in your election seriously, how can the people of Poland believe you will take your NATO commitment to protect us from Putin seriously? Important question. Valid question.

There are exceptions on the Republican side of the aisle, and I would like to point out one of them. My friend, my colleague, and the chairman of the Foreign Operations Subcommittee of Appropriations, LINDSEY GRAHAM of South Carolina, made an extraordinarily forthright statement yesterday about the need for an investigation into this Russian interference. Thank goodness he is stepping away from party loyalty and stepping up when it comes to defending this Nation. I salute my Republican colleague for his leadership on this issue.

It is important to step back from the daily dysfunction we have when it comes to the Russian investigation and the White House and lack of governing and remember what is really at stake.

Five months ago, our intelligence services disclosed evidence that a foreign adversary—one ruled by a dictatorial former Communist KGB agent—was trying to help its preferred candidate in the U.S. Presidential election. Think about that for a moment. An adversary of the United States—a country which has imprisoned millions of Europeans in the Communist system for almost half a century and which today rigs elections and silences or murders members of the media and opposition—committed what I believe is akin to a cyber act of war against America in trying to elect someone they saw as more sympathetic to their interests.

Since those early reports, we have been provided with damning evidence by our intelligence agencies on the depth and sophistication of this operation—so favorable to its nefarious goal that it had Russian intelligence operatives boastfully celebrating after the outcome of the election.

We also know that members of President Trump's campaign met with those thought to be Russian intelligence; had suspiciously timed communications with the Russian Government just after the Obama administration placed sanctions on Russia; and in the case of top Trump advisers Michael Flynn and Jeff Sessions, refused to disclose those meetings, both in public and in one case to the Vice President and in another case to the Senate Judiciary Committee.

No candidate would or at least should want help from a foreign dictator to help win political office in the United States. So in a situation like this, the response is obvious: Help in any way possible to clear suspicions and concerns. Go forward and serve the American people with an investigation. It seems so obvious.

Leon Panetta was on one of the Sunday morning talk shows. Leon Panetta is a friend. I served with him in the

House of Representatives. He was the Chief of Staff to the President of the United States, President Clinton. He served as Secretary of Defense. He headed up the Central Intelligence Agency. He is an extraordinarily gifted and well-thought-of person who has a record of public service that is enviable. He was asked about what the Trump White House should do about this allegation of Russian interference in the election and the suggestion that they might have been complicit.

He said: Get out in front.

The President of the United States should say: I have nothing to hide, and we will fully cooperate with an independent commission to get to the bottom of what happened in that election. But instead, what do we have? Fanciful—in fact, patently false—tweets by the President, alleging a wiretap by the former President. President Trump, if he has nothing to hide, should help us clear this up once and for all.

To my Republican colleagues, so many patriots and champions of American national security, it is time for more to join Senator GRAHAM and others to step up and speak out even on the floor of the Senate about this situation.

Each one of us in the Senate swore to support and defend the Constitution of the United States against enemies foreign and domestic. Clearly, the Russian attack is a call for all of us—of both political parties—to step up. This issue is not going to go away. We are going to continue to pursue the truth.

NOMINATION OF SEEMA VERMA AND THE REPUBLICAN HEALTHCARE BILL

Mr. President, I come to the floor to speak about the recently released Republican healthcare repeal bill and to speak on the nomination of Seema Verma to serve as Administrator of the Centers for Medicare and Medicaid Services.

CMS is an agency touching the lives of 125 million people, and 34 percent of Americans receive their health insurance under one of the three Federal programs run by that agency—Medicare, Medicaid, and the Children's Health Insurance Program. These programs are vital to the health and well-being of seniors, children, persons with disabilities, and low-income families. Yet, with those vows to repeal the Affordable Care Act, President Trump, Health and Human Services Secretary Tom Price, and congressional Republicans are sadly attempting to gut the Medicaid program and to jeopardize the future of Medicare.

The head of CMS should be someone who believes in these core programs and is willing to fight to preserve them. Instead, Ms. Seema Verma's record—as well as comments she made during her confirmation hearing—indicates she is more than willing to take dramatic steps to force people to lose their health insurance or dramatically increase out-of-pocket costs.

From her refusal to disavow efforts to repeal the Affordable Care Act to

her willingness to cut the Medicaid Program, I do not believe Ms. Verma is the right person for this job.

When it comes to the Affordable Care Act, our constituents—Republicans, Democrats, Independents—are angry and frightened about what the Trump administration and congressional Republicans might do to healthcare. Based on what has finally been released, they have good reason.

In over 2 months, Republican leaders in Washington have taken numerous steps to change and even sabotage our healthcare system, jeopardizing patient access to care and throwing the system into chaos.

Before President Trump took office, congressional Republicans rammed through a budget bill, laying the groundwork for a quick, silent repeal of the Affordable Care Act, despite the fact that they had no replacement. Then, on his first day in office, the President signed an Executive order to weaken the Affordable Care Act, instructing Federal agencies to stop doing their job under the law. The President then acted hastily to stop Federal outreach efforts—TV ads, radio spots, and emails intended to encourage more Americans to sign up for health insurance.

I watched yesterday as the Speaker of the House, PAUL RYAN, said that the Affordable Care Act is collapsing. Well, I can tell you, it needs help and it should be bipartisan. Instead, the Republicans are doing everything they can to jeopardize it.

Last week, the President met with big insurance companies to discuss what they want for healthcare. But where were the patients, the hospitals, the doctors, the nurses, the community health centers in these conversations?

It is clear that congressional Republicans want to move full steam ahead on repealing our healthcare law. The problem has always been and still is that they can't agree on how to move forward. They don't have a plan to protect people. Some Republicans just want to repeal. Others want to repair. Others want to rebuild. They can throw out all the "R" words they can find in the dictionary, but at the end of the day, they don't know what they want to do. These disagreements are becoming even more obvious in the last week.

For the past few months, House Republican leaders have been meeting secretly to craft a repeal bill. Well, they finally unveiled it. No wonder they wanted to keep it secret.

Incidentally, this bill, which has been authored by the Republicans—a party that claims a commitment to fiscal soundness—has not been scored by the Congressional Budget Office. We don't know, even as it is being considered by committees in the House of Representatives, whether it is going to add to the deficit or not. You would think that the party of fiscal integrity—the Republican Party—would ask that question early on. As yet, they have no answer, and they are proceeding full steam ahead.

The bill, first, would end Medicaid as we know it, cutting \$370 billion from the program and limiting care. Who are the beneficiaries of Medicaid? The largest group of beneficiaries are kids and mothers. The second most expensive group are seniors, many of them in nursing homes who, without Medicaid and Medicare, could not even continue in a good nursing home environment.

Keep in mind that one in five Americans currently depend on Medicaid for their health insurance—65 million people nationwide. That includes 35 million children, 7 million seniors, 11 million people with disabilities.

We used to say: Well, Medicaid is for poor people. Well, it certainly is for lower income Americans, but many of them are working low-income Americans who still qualify for Medicaid.

My friend, who has worked in the motel-hospitality industry all of her life, in her sixties, sadly, is a part-time employee, despite her hard work. She can't afford health insurance, but she qualifies for Medicaid. She is part of the working poor, and she is one who needs this benefit. If the Republicans have their way and reduce Medicaid coverage, she could certainly lose it.

In my home State of Illinois, 650,000 people have gained healthcare coverage under Medicaid, thanks to the Affordable Care Act. For her and others I have met, it is the first time in their life that these men and women—often in their sixties—for the first time in their life have health insurance.

Of Illinois' 18 congressional districts, not a single one has less than 71,000 Medicaid enrollees. Nearly half of all the kids in Illinois, 1.5 million children, get their healthcare through Medicaid, and the Republican repeal bill is going to endanger that.

That is so obvious that yesterday the Republican Governor of Illinois, who was careful in his words and seldom reacts, came out publicly and said that the Republican repeal bill would significantly hurt our State of Illinois. That is from a Republican Governor.

Medicaid is the largest payer of long-term care for seniors in the Nation and in Illinois. It is one of our best tools, incidentally, for addressing the opioid epidemic, ensuring that those facing addiction have access to treatment. And the Republicans want to cut that.

Medicaid has been a lifesaver to Illinois hospitals, especially in my part of the State, downstate Illinois.

Repeal of the Medicaid expansion, as the House bill proposes, could result in the loss of up to 90,000 jobs in Illinois.

The Republican repeal bill on healthcare is a jobs killer in Illinois and across this Nation. We will see hospitals cutting back on personnel in an attempt to adjust to the cutbacks in coverage and the increases in cost brought on by the Republican repeal bill.

But the bill goes even further. It dramatically restructures the entire Medicaid Program. When talking about the plan for Medicaid, congressional Re-

publicans throw around innocuous terms: per capita caps, block grants, more flexibility, modernizing. Don't be lulled in a false sense of security by these words. This Republican healthcare repeal bill would significantly cut back on Federal spending on Medicaid, shifting the cost to States, families, and individuals who are currently struggling to get by today.

With less funding, States would be forced to throw people off of Medicaid, limit the types of healthcare services offered, create waiting lists, and much more. In the name of State flexibility and modernizing, it would mean that more and more people would be showing up in emergency rooms in Illinois and across the Nation with no health insurance coverage under the Republican approach.

Oh, they will get care, and it will cost. They can't pay for it, and that cost will be shifted to others with health insurance.

Unfortunately, Ms. Verma has significant experience in this exact type of healthcare rationing. In her role as a private healthcare consultant, she championed radical Medicaid overhauls. She supports making low-income Medicaid beneficiaries pay more money. She believes that Medicaid beneficiaries need "more skin in the game." I wonder how many Medicaid recipients Ms. Verma has actually sat down and met with.

The Illinois folks whom I know are the mom working two jobs, struggling to take time off from work to take her kid to the doctor, or the senior who has literally spent down all of her life savings on nursing home care and has no place else to turn.

Devising plans that restrict access to care for the most vulnerable among us are not the qualifications I am looking for in the person who wants to run the agency responsible for Medicare, Medicaid, and CHIP.

Finally, on the House Republican repeal bill, in addition to gutting Medicaid, the bill eliminates the Prevention and Public Health Fund, which currently provides the Centers for Disease Control and Prevention \$900 million, or 12 percent of their annual budget. The bill defunds Planned Parenthood. The bill allows insurers to charge older people significantly more in premiums than allowed under current law. The bill, incidentally, dramatically cuts taxes for the wealthiest people in America and increases costs for middle-income families. What is most telling, as I mentioned earlier, is that the House Republicans won't even send this bill or wait for a report from the Congressional Budget Office before proceeding.

How many people will lose their health insurance under the Republican repeal plan? How will out-of-pocket expenses go up for families under the Republican repeal plan? How much responsibility and burden will be shifted to the States under the Republican repeal plan?

For now, Republicans can claim ignorance because they have decided to move forward before there was a report from the Congressional Budget Office.

Thank goodness some Republicans are speaking out against this terrible plan—maybe not for the same reasons I oppose it. But conservatives say it doesn't rip health insurance away from more people more quickly, and moderates worry about Medicaid—demonstrating, again, the lack of a consensus on the Republican side when it comes to the future of healthcare.

We have big challenges ahead—challenges that will determine whether we have as many people in America with health insurance tomorrow as we have today and how much it will cost.

I don't believe the Republican repeal bill is the right path forward, and I don't believe Seema Verma is the right person to stand up and fight for our Nation's seniors, children, and low-income families. For that reason, I will be voting against her nomination to serve as Administrator of the Centers for Medicare and Medicaid Services.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN HEALTH CARE ACT

Mrs. GILLIBRAND. Mr. President, I rise to oppose the American Health Care Act. This bill will destroy the Affordable Care Act, even though the Affordable Care Act has given more Americans access to quality, affordable healthcare than ever before in our history. It would force middle-class families to pay more money for less care. It would leave more people uninsured by a lot. It would allow insurance companies to charge older Americans with what is essentially an age tax, as if our parents and grandparents don't already pay insurance companies enough for their care.

It would cause many working families to lose coverage from their employers because, under this new bill, companies would no longer have to provide their workers with healthcare, and without a mandate to do so, we know many of them will not.

It would drastically cut Medicaid funding, which would cripple our State budgets and would leave many seniors in nursing homes and lower income New Yorkers stuck without a way to pay for the medical care they actually need to survive. This bill would also take away healthcare for millions of women, including lifesaving healthcare services like breast exams and pap smears.

On top of all of this, as if to add insult to injury, this so-called healthcare plan would give tax breaks to health insurance CEOs who make more than

\$500,000 a year. How is any of this going to make people in my State or in my colleagues' States healthier?

I am struggling to understand, amid all of the problems we seem to have and all of the problems we need to solve in this Chamber, why this Congress seems to have a singular fixation on taking away access to healthcare from some of the most vulnerable people in our communities. I continue to be amazed by how little empathy there seems to be in this Chamber for the millions of women, older Americans, and lower income Americans who do not have the incredible resources that we have here in Congress and who desperately need the Federal programs this bill will cut.

The legislation is completely out of touch with the actual needs of the people in my State. It is driven by ideology, as if it is somehow the wrong thing to do to help people in our States live healthy and fulfilling lives.

If someone is diagnosed with cancer and the only way he can afford to see an oncologist and have surgery is through an Affordable Care Act health plan, do you think he cares whether his insurance coverage was made possible by ObamaCare? If your parents or grandparents suffer from dementia and the only way they can afford the constant care and medical attention is if they sign up for Medicaid, do you think they care that Medicaid is a program that is actually run by the Federal Government?

I don't think families care about that. I think they are much more concerned about whether they have access to the insurance plans that actually cover their needs, that actually treat their illnesses, that actually give them the medicines they need, and that allow them to heal and get back to full strength.

That is why the Affordable Care Act has done so many good things for people in our States—because access to healthcare is a human right. Now that millions more Americans finally have it, it is wrong to take it away from them.

I urge my colleagues in this Chamber to think much more about the women in their lives who need access to these preventive healthcare services, to think about all of the hard-working Americans who do not earn a lot, though they work full-time jobs and cannot afford it, and to think about all of the older Americans who are really being disadvantaged through this bill so they will not be able to afford that 24/7 or nursing care they need. This bill harms all of them, and it makes their lives much harder, not easier.

I implore all of my colleagues to reject this bill.

Mr. President, I ask unanimous consent that the time spent in quorum calls on H.J. Res. 58 be charged equally to both sides.

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

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

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

REPUBLICAN HEALTHCARE BILL

Mr. Kaine. Mr. President, I rise to talk about the replacement plan for the Affordable Care Act that is being considered by the House.

In December, I was informed that I was going to get one of my dreams to come true in the Senate. I had asked to be on the Health, Education, Labor, and Pensions Committee when I came in, in January of 2013, and I was not on the committee. I had no complaints because I had other good committees, but I was told in December that, for this Congress, I would be added to the committee, and I am thrilled to serve on it.

When I found that I was going to be added to the committee, I knew one of the first issues we would be tackling is what to do about the Affordable Care Act. So I have started to pay visits around the State to as many stakeholders as I can, including patients, doctors, medical students, hospitals, behavioral health facilities, allied health training programs in regions all across the State, military families in Hampton Roads just last Friday, as well as patients and their families in Chesterfield County last Friday. In all of these visits, my question has been: We are going to be tackling the Affordable Care Act; tell me what works, what doesn't work, and what we can do better. That has been the goal.

Today's committees in the House, two committees, are considering a plan that House Republicans have put on the table and are touting as a replacement of the Affordable Care Act. I just want to talk about what it would mean, if passed, to Virginians and Americans.

This plan will reduce the number of Americans with insurance. We dropped the uninsurance rate to a historic low, but the gains that we made would be reversed and the numbers of Americans with insurance would go down.

It would raise healthcare costs, particularly on seniors, which I will discuss in a minute.

It would dismantle the Medicaid Program at the service of tax cuts for the wealthiest.

It is not an adequate replacement; in fact, it would be a dramatic retreat, and it would be a retreat that would violate promises that had been made by the President and other leaders.

Republicans—and I will get into this—have made a number of promises about what a replacement would look like, but this plan falls far short of that. That is why, within 36 hours of it being put on the table, stakeholders across the spectrum, including the American Hospital Association, AARP,

the American Medical Association, nurses, nursing homes, and Republican Governors have come out to either dramatically and flatly oppose this plan or suggest significant concerns with it.

The bill has yet to be scored by the Congressional Budget Office, but the House is trying to push it through committee, and even through the floor, if they can, before the CBO tells the American public what this plan would cost and, every bit as importantly, what it would cost Americans in terms of the number of people who would lose their health insurance.

A very poignant comment about the plan that was in the paper this morning was from the Republican Governor of Nevada, Brian Sandoval, who said: We Republican Governors have talked to Congress and said please pay attention to what we have to say. States bear a huge burden on these programs, especially Medicaid. He said: We gave ideas to the leadership, to the majority about the replacement, but none of our ideas are in this plan.

Without a CBO score, the American public and this body are completely in the dark about how many people will lose coverage and about how this will affect the American economy. Why would we move forward? Why would we try to push a vote even in a committee, much less on the House floor, before the CBO has given us this score? We don't serve the American public well by doing that.

What does the replacement bill do? One, it ends the expansion of Medicaid that was a core component of the Affordable Care Act—the expansion that has been embraced by more than 30 States. Then, it takes the traditional Medicaid Program and really dismantles it, instituting a per capita fee for enrollees, and moving it more towards a block grant program. That is the first thing it does.

Second, with respect to seniors, this plan would repeal a provision in the Affordable Care Act that says seniors cannot be charged more than three times the premium of a young person; it would repeal that, and it will allow insurers to charge older customers five times as much as younger customers. It would also give States the ability to set even more unfavorable ratios for seniors. This will have a significant impact on the premium of older Americans.

Third, the plan repeals the income-based subsidies, premium assistance, and cost-sharing reductions in the current Affordable Care Act and substitutes less generous tax credits that will not be adjusted to average costs of plans in particular markets. So if you are a middle-income individual in a high-cost market, you are really out of luck with this plan.

Let me give an example of how insurance would be affected in particular communities all over Virginia if the House plan were adopted. If you are 60 years old and you make \$30,000 per year, under the House plan, here is

what happens. First, the cost of your insurance can be dramatically raised because you are not, at age 60 now, limited to three-to-one over a young person's premium; they can charge you five-to-one over a young person's premium. So the premium cost, if you are a 60-year-old making 30,000 bucks, goes up significantly.

Now, you get a tax credit, just as right now you get a subsidy, but the tax credit is much less generous. So the cost of your policy goes up, but here is what happens in communities all over Virginia—tax credit compared to the subsidy they currently get.

In 2020, in Augusta County, VA, in the Shenandoah Valley, the tax credit you get is worth only about half of the subsidy you would get if we continued the Affordable Care Act. So the price is up, but your tax credit is less generous by half of the current subsidy.

In Fairfax, your tax credit is 41 percent less than the subsidy; in Bedford, 51 percent less than the subsidy; in the city of Norfolk, 51 percent less; in Rockingham, 50 percent less; in Pittsylvania, 49 percent less, and Pulaski County in far Southwest Virginia, 54 percent less.

So if you are a senior, your costs go up, but the assistance you get in the tax credit is dramatically less generous than the assistance you currently get with the premium subsidy.

The bill establishes a penalty if you don't have continuous insurance. An insurer can charge you 30 percent more in premiums if you go 2 months or more without insurance. So if you are unemployed, you lose your insurance. If you forget to pay a premium for two months, you lose your insurance. If you have any gap of 2 months, that is an opportunity for insurers to come in and sock you with a massive penalty.

The bill repeals funding to a healthcare provider of choice for millions of American women: Planned Parenthood. It is really important to be specific about this. There is not in the Federal budget a line item that says Planned Parenthood gets axed. What Federal funds go to Planned Parenthood? Well, first, the Hyde amendment says no Federal funds can go to any organization for the provision of abortions—Planned Parenthood or anybody else. Planned Parenthood receives Federal funds because it provides healthcare to women who are eligible for Medicaid. So when Planned Parenthood treats a woman who is Medicaid-eligible for a medical service that is eligible for a Medicaid reimbursement, then Planned Parenthood is able to bill Medicaid just like a doctor's office is. And Planned Parenthood is the healthcare provider of choice for millions of American women to do annual checkups, pap smears, cervical cancer tests, and all kinds of basic healthcare provisions. But under this bill, Planned Parenthood will be disbarred from the Medicaid Program, even when they are providing services to Medicaid-eligible women—services that are covered by Medicaid.

The one thing about this bill that I would say—if you were going to say: Well, who is a guaranteed winner in this bill because there are a lot of losers, and I have tried to summarize them—the guaranteed winner is that this bill overwhelmingly repeals the provisions that raise revenue. This bill is a big tax cut bill.

The biggest revenue raisers in the Affordable Care Act were tax cuts on the wealthiest citizens. There is a tax increase for nonwage income by the top earners in the United States and an additional hospital insurance tax that also affected individuals of high income.

What this bill does is cut taxes that almost exclusively benefit the wealthy, while the bill is taking away these coverages and provisions that protect middle and lower income Americans. The tax cuts in this bill would save the top 0.1 percent of earners in the United States about an average of \$195,000 a year. So if you are in the top 0.1 percent and this bill passes, you are going to get an average of a \$195,000 tax break.

Millionaires get 80 percent of the value of the high income tax cuts in the House bill, with the elimination of the hospital insurance tax on high earners and the Medicare tax on investment income. In fact, a family who is going to do incredibly well under this bill is the family of our President, Donald Trump. As high earners, they are going to get a huge tax cut with this bill.

I have to ask: Is this bill a healthcare bill or is it basically a tax cut bill? You could look at this bill as basically being that the driver of it is who benefits from it. It is a tax cut on the wealthy, paid for by slashing Medicaid, slashing healthcare coverage, slashing Medicare's trust fund, slashing Planned Parenthood, taking protections like preexisting conditions that really matter to people and reducing them. So I have a real question about whether this bill is a healthcare bill at all or whether, under the guise of a repeal and replace of ACA, it is a tax cut for the wealthiest, financed by slashing the healthcare safety net.

Let me read to my colleagues what certain Republican leaders have said about this bill in the past. The deputy leader here in the Senate—a friend—from Texas, Senator CORNYN, said to Republican Governors—Governors have a lot at stake in this. I was a Governor. I know how much Governors depend on Medicaid and healthcare programs. Here is what he said on January 19, 2017: "Nobody is going to lose coverage."

No exception, no qualification. "Nobody is going to lose coverage." That is what he said to the Republican Governors.

We were awaiting the CBO score suggesting potentially how many millions will lose coverage. Many people will lose coverage. That is not what was promised.

But, more importantly, probably, what did the President say? When the President was campaigning as a candidate, this is what he promised the American people: "I am going to take care of everybody. I don't care if it costs me votes or not. Everybody's going to be taken care of much better than they're taken care of now."

That was the test that he set for himself about an ObamaCare replacement—that no one would be worse off and that many would be better off. This does not meet that promise. It fails that promise.

At a December press conference the majority leader, Senator MCCONNELL said: "Surely, we can do better for the American people," and "we will work expeditiously to come up with a better proposal than current law."

Again, the promise was, we will take where we are right now and we will make it better. Nobody will lose coverage; everybody will be taken care of better. We will come up with a better proposal than the current law.

This is not that proposal. Turning Medicaid from a Federal guarantee to a per capita cap on spending doesn't mean everyone is covered; it means cuts to the States that would force States to cut eligibility, reduce benefits or provider payments. That is why providers, like the hospital associations and nursing homes, and the Republican Governors, like Governor Sandoval, are deeply opposed to this particular version. It is not better for the American people.

Protecting people with preexisting conditions, which the current bill does, but only if they have continuous coverage—that is not better for the American people because what if you lose your job or you can't afford benefits or you have a break in coverage for two months, and then you suddenly find that you are not protected, and your preexisting condition can be used against you to bar you from insurance for the rest of your life.

If you are unemployed and have a break in coverage, how do you afford a 30-percent surcharge on health insurance premiums like this plan proposes that insurance companies can sock you with? That is not better for the American people.

In closing, I will repeat something that 13 Democrats put into a letter to the Republican leadership in January: We want to work together to try to make healthcare better. We are willing to sit down at a table. We have ideas for how to improve not just the Affordable Care Act but prescription drug prices under Medicare Part D, something our citizens are deeply concerned about. We need to work together on affordability. We need to work together to make sure small businesses are able to afford coverage. We have to bring prescription drug pricing down. I know Republicans have ideas about how to do that and Democrats do too. The time is now to sit down and try to figure that out.

Passing a precipitous repeal, trying to rush it through before the CBO scores it—a precipitous repeal that would take health insurance away from many, that would jack costs up on seniors, that would punish so many Virginians by reducing the subsidies they get now and replacing them with a less-generous subsidy—that will break a promise the President made. That will break a promise other leaders have made.

We had a HELP Committee hearing recently where we had witnesses who had been called by Democrats and Republicans before us, talking about things we need to do to fix and improve the Affordable Care Act. They all agreed we needed to find improvements and fix it—all of them. Democrats, Republicans, Independents, they all agreed we need to find improvements. They all agreed a repeal of the Affordable Care Act would be a catastrophe.

There were four witnesses. I asked them this question: If we need to make improvements, what is the best way to do it? Should we do it fast, carelessly, and secretly or should we do it slowly, deliberately, and publicly transparently?

They all said: Of course, there is only one answer to that question. We are talking about people's health. We should do it deliberately, carefully, and transparently, rather than fast, carelessly, and secretly.

We are proceeding right now in the fast, careless, and secret mode. This particular plan comically was locked in a room and nobody was able to see it last week. One of our Senate colleagues went over and tried to get in to see what was in the plan—a Republican colleague, the Senator from Kentucky. Now that the plan is out in the light of day, I think we can see why they were hiding it—because it has so many elements that are frightening so many people.

We can get this right. We can get this right by sitting down and having a discussion about what I have been talking to my constituents about: in the healthcare system right now, what works, what doesn't work, and what we should change. If we bring constituents around the table—individuals, hospitals, insurance companies, pharmaceutical companies, businesses that are trying to buy insurance, doctors and nurses—if we get people around the table, they will break us out of the “them versus our” thing. We listen to them. We ask them those questions—what works, what doesn't, what can be fixed. We will find a path to meet the promise the President made, to meet the promise Senator CORNYN made, which is not make anything worse but taking the system as it is right now and making it better. We will only do that if we engage in a dialogue rather than trying to rush. That is what I encourage my colleagues to do.

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

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

EARMARKS

Mr. FLAKE. Mr. President, within a matter of days, our national debt will top \$20 trillion, notching another ominous milestone in our Nation's long-running addiction to spending. How did we get here?

A decade ago, taxpayers learned that many of their elected representatives were complicit in an insidious practice that rotted the legislative branch to its core, and that is congressional earmarking. Called a “gateway drug” by our distinguished former colleague from Oklahoma, Senator Tom Coburn, earmarks have long exacerbated the Federal Government's spending addiction.

As old as the Republic, earmarks have always been used by generations of politicians as currency to curry favor with well-connected special interests. After public outrage reached a critical mass, both the House and the Senate instituted bans on earmarking, ending what had been a corrupt pay-to-play culture in Congress.

In order to preserve this important check against the corrupting influence of earmarks, I recently sent a letter to President Donald Trump respectfully urging him to veto any legislation containing earmarks that reaches his desk. I thank my colleagues, Senators JOHN MCCAIN, MIKE LEE, RAND PAUL, TED CRUZ, and BEN SASSE, for co-signing this letter.

Mr. President, I ask unanimous consent to have printed in the RECORD the following letter.

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

U.S. SENATE,

Washington, DC, March 7, 2017.

President DONALD J. TRUMP,

The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: With our national debt set to top \$20 trillion within days and growing at a rate of over half-a-trillion dollars a year, bringing fiscal sanity to the federal budget requires immediate attention and action. We write today to urge opposition to any efforts by Congress to return to earmarking.

While cutting unnecessary and wasteful spending may be commonsense to most taxpayers, behind every dollar spent is a boisterous special interest group with the loudest being Congress itself. Even with a full agenda that includes repealing Obamacare, reforming the tax code, easing the regulatory burden, and strengthening our nation's security, some lawmakers are focused on reviving the corrupt practice of earmarking that was ended in 2011 after what seemed like an endless series of corruption scandals.

Fondly described as a “favor factory” by a lobbyist convicted of exchanging gifts for government grants, earmarks represent the pay-to-play culture you have pledged to end. It is unfathomable to those of us who fought

to end earmarks and witnessed our colleagues go to jail for corruption that pork barrel politics would return, especially at this time when Americans are clearly fed up with business-as-usual. However, despite the success of the current moratorium enacted in both chamber of Congress, there are efforts underway seeking to revive the disdainful practice.

President Reagan vetoed a highway bill in 1987 because it was larded up with 152 earmarks. Escalating exponentially, the over-budget transportation bill signed into law in 2005 contained more than 6,300 earmarks. Earmark proponents are trying to reassure that this time will be different, promising fewer projects and even rebranding them as “congressionally-directed spending.” With the serious fiscal problems facing our nation, processing thousands or even hundreds of pork requests will only distract and delay addressing pressing national needs and push spending decisions once again into the murky shadows.

We respectfully urge you to make it clear that you will veto any bill Congress sends to you containing earmarks within the legislative text or the accompanying report. We look forward to working with you to make Washington more accountable and stop wasteful spending where it starts, which is often right here in Congress.

Sincerely,

JEFF FLAKE.
MIKE LEE.
JOHN MCCAIN.
RAND PAUL.
TED CRUZ.
BEN SASSE.

Mr. FLAKE. To explain the urgency behind my letter to the President, I wish to remind my colleagues in this body, many of whom were not in the Congress before enactment of the moratorium, just how bad the earmarking epidemic became.

For the uninitiated, the term “earmark” is a euphemism for when lawmakers work to circumvent the regular, normal appropriations process in order to secure special funding for projects in their home districts or their States. This resulted in Federal tax dollars being doled out to Members of Congress on a whim, bypassing normal rigorous Federal and public vetting.

Instead of focusing on oversight responsibilities or devising legislative solutions for the Nation's most pressing challenges, lawmakers and staffers devoted thousands of man-hours toward filling earmark requests. Congressional appropriators and appropriations committees transformed into what were termed “favor factories,” abandoning oversight responsibilities to focus on rationing out pork. To me, that was one of the most insidious parts of the whole earmarking era.

We have oversight responsibilities in Congress. There is a huge Federal budget on which we should be providing oversight, but instead of poring over agency spending and searching for waste in our trillion-dollar discretionary budget, Members and staff devoted countless hours to roughly 2 or 3 percent of the Federal budget. There was so much focus on just doling out what represented 1 or 2 or 3 percent of the Federal budget that we basically neglected the rest of the Federal budget in terms of oversight.

In less than 20 years, the number of earmarks in the Transportation bill alone grew from 152 to 6,300. President Reagan, I believe, in 1988 famously said that he vetoed the highway bill because he hadn't seen that much pork since he handed out ribbons at the county fair. There were 152 earmarks in the Transportation bill that year, and by 2005 it was 6,300. That is an increase of more than 4,000 percent.

Examples of earmarks range from a quarter billion dollars for a bridge to nowhere in Alaska—everybody became familiar with that one; \$50 million for an indoor rainforest in Iowa, paid for by taxpayers across the country; and half a million dollars for a teapot museum in North Carolina. All of these earmarks added up, eventually totaling about \$29 billion a year.

It was in this environment that, along with a small group of like-minded colleagues, I set out to put an end to this form of transactional politics that had infected the Halls of Congress. Our mission was to place a permanent moratorium on congressional earmarks.

It took unprecedented revelations of widespread corruption and illegality and ultimately the jailing of lawmakers, staffers, and lobbyists before the public's outrage forced Congress to clean up its act. But even brazen instances of public corruption didn't stop Congress from dragging its feet on reforms, and the majority party, my party, paid the price at the polls in 2006.

The dominant mood of the electorate at that time—that of mistrust in government institutions—is strikingly reminiscent of the drain-the-swamp mentality that permeated last November's election. But despite this surging anti-insider sentiment across the ideological spectrum, there is now a chorus of lawmakers from both sides of the aisle working behind the scenes to lift the congressional earmark moratorium. These earmark defenders will trot out arguments ranging from constitutional prerogative to the insignificance of earmarks relative to the entire Federal budget. They will say: It is OK to earmark. We are only earmarking 1 percent of the Federal budget.

But all of these defenses ring hollow. The constitutional power of the purse is not a blanket mandate for Congress to spend freely; rather, it is a fundamental duty to prevent the executive branch from wasting taxpayer dollars. By using earmarks to funnel billions of dollars to special interests, Congress ceases to be a check on the executive branch. We have become no better than the free-spending bureaucrats whom we rail against.

While we were ultimately successful in securing earmark bans in both the House and the Senate, today we are seeing far too many cracks in those foundations. With so many in Congress now willing to sacrifice fiscal discipline, we have to remain vigilant against the return to business as usual.

We can't afford to forfeit the hard-fought progress we have made.

The Senate Republican conference's vote earlier this year to preserve the earmark ban was an important step in the right direction, but we need to do more. That is why I sent the letter to President Trump, and it is why, should earmarks return, I intend to challenge each one of them on the Senate floor. Just as I did in my time in the House, I will file amendments to force debate and force votes on these earmarks. That way, Members can publicly defend their earmarks to the hard-working taxpayers they represent.

As we look forward to the future, I have been encouraged by the President's recognition of Washington's addiction to spending and his administration's commitment to finally doing something about it. I look forward to working with the administration to make the Federal Government leaner, more transparent, and more accountable to the taxpayers it serves.

BORDER ADJUSTMENT TAX

Mr. President, I take the floor today to express my concern with the border adjustment tax. The border adjustment tax is quickly becoming the centerpiece of a planned overhaul of our tax and trade policies. I am certain that I am not the only one hearing that this approach could make everyday consumer products more expensive at the very places middle-class families shop the most. From the aisles at big-box stores to the checkout lines in grocery stores, household staples could be pushed out of reach for those who can least afford it.

In addition, there are concerns that this new policy could disrupt global supply chains and make it harder for our country's largest private sector employers to grow and to do business.

There are those who suggest that the known downsides to the new tax will be a wash because the U.S. dollar will be stronger; however, others are not so comfortable gambling the purchasing power of the average consumer on the unpredictability of international currency markets.

At first glance, the plan seems simple enough: Tax companies in the United States less and tax goods made overseas more. That seems simple. According to supporters, this would boost our exports, incentivize companies to locate operations here in the United States, and it would reduce our trade deficit. Unfortunately, it turns out that is not so easy. Looking inward, we simply do not produce everything we need here in the United States. That is why we trade with other countries in the first place. And for the things we do make here, those products often require inputs from all over the world. In fact, whether it is raw material or specialty parts, roughly 50 percent of our Nation's imports consist of inputs for U.S. production and manufacturing. Let me say that again. Roughly 50 percent of our Nation's imports consist of inputs for U.S. production and manu-

facturing, many times for products that are then shipped overseas.

Because of our trade deals with other nations, these inputs are cheaper than they would be otherwise. Cheaper inputs mean lower production costs for U.S.-based businesses, which in turn allows these companies to expand production and to reduce prices.

What will happen if we place a 20-percent tax on all imports? Looking beyond our borders, we should also consider the reaction such a tax is sure to trigger amongst our trading partners. If the protectionist trade policies of the past have taught us anything, it is that countries tend to retaliate when they believe trade obligations have been violated. When we increase barriers to trade, nobody wins.

Do I agree that we should work to make U.S. businesses more competitive? Absolutely. Do I agree that we need to reform our Tax Code? You bet. Tax reform and pro-growth trade policies have been at the top of my list of priorities throughout my tenure in Congress.

I look forward to working with my colleagues to lower corporate and individual tax rates, eliminate costly tax earmarks, and make our Tax Code flatter, simpler, and more conducive to growth. There will always be winners and losers in a robust debate on reforming the Tax Code. We ought to make sure the middle class isn't in the losing column.

I yield back the remainder of my time.

Mr. President, 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. 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.

AMERICAN HEALTH CARE ACT

Mr. CORNYN. Mr. President, this week our colleagues in the House released a plan to clean up the mess left in the wake of the ObamaCare's failed promises. The bill known as the American Health Care Act represents the next step forward in keeping our promise to repeal and replace ObamaCare, which continues to fail Texans and folks all across the country.

Instead of helping more Americans and more Texans by providing more healthcare choices, ObamaCare has actually led to dwindling insurance options in a lot of counties across the country. In fact, it is estimated that almost 40 percent of counties in Texas have just one option on the exchange this year. It is hard to shop, it is hard to compare, and it is hard to get the benefits of competition when there is only one option because of ObamaCare.

So that is actually the opposite of what the President and the advocates for the Affordable Care Act promised. That is what happens when government interferes with the market and

takes a one-size-fits-all approach to our Nation's healthcare. The fact of the matter is that the path that President Obama put us on is not sustainable. It is hurting families and burdening job creators and is taking a tremendous toll, and Americans are paying the price.

I know some of our colleagues across the aisle are relishing the fact that Republicans, the majority, are now taking this step to keep our commitment to repeal and replace ObamaCare. They are sitting back and hoping that we fail. But the fact of the matter is that we would be having this debate no matter who won the Presidency last November 8, because ObamaCare is in a meltdown mode. It is unsustainable, and we would be dealing with our broken healthcare system no matter who won the White House on November 8 of last year.

One of my constituents wrote me earlier this year about her daughter. She said that before ObamaCare, back when she could choose the policy that she wanted, she was paying about \$190 a month for health insurance, and she had a \$500 deductible. Well, that sounds pretty reasonable—not great, but not terrible either. Then came ObamaCare. Now her daughter, who unfortunately lost her job in the interim, must pay almost \$400 a month with a deductible that is more than \$6,000. I don't know many people who can write a check for \$6,000 when they have an unexpected healthcare crisis. So in essence, she is being forced to self-insure and has been denied the benefit of even the insurance that she has, even though her premium has gone up more than double, and, of course, her deductible is now \$6,000.

So to our friends across the aisle who seem to be relishing this moment where we are actually undertaking the hard work of working through a repeal and replacement program, I would say to them that ObamaCare is certainly no gold standard. It is the opposite of what we need to help our Nation's healthcare woes. There is no doubt that it is a failed piece of legislation, full of empty promises, and one we have to scrap.

So with the American Health Care Act, starting today in the House of Representatives, we will repeal ObamaCare and deliver better, more affordable healthcare choices to the American people.

This bill actually also improves Medicaid. That is another big part of what ObamaCare did. It forced more people onto Medicaid, which is frankly not the best quality healthcare insurance or coverage that exists.

I remember back during the ObamaCare debate, I actually introduced an amendment in the Finance Committee saying that if Congress passed ObamaCare, Members of Congress needed to be put on Medicaid—my theory being, not that it was such great coverage, but that if Members of Congress were on Medicaid, we sure

would take every step necessary to actually improve it and make sure it works.

But this legislation actually does improve Medicaid and puts it on a sustainable path for the future by working with the Governors, because Medicaid is a shared Federal-State responsibility. But right now, it is growing by leaps and bounds. It is at the consumer medical inflation rate plus two, which means it is growing much faster than the economy and, unfortunately, putting unprecedented burdens on our State governments. For example, I know, talking to some Texas legislators, they said it is easily the second—and, if they weren't careful, the largest—expense item in the Texas State budget—Medicaid, or the State share of Medicaid.

Of course, Medicaid was designed to help the most vulnerable in our communities and enjoyed broad bipartisan support. Along the way, it became less about serving those who needed it and more about unchecked government spending, as I mentioned a moment ago. So what the American Health Care Act does is it actually puts Medicaid on a budget. It doesn't cut current spending in Medicaid; it just says that it will grow at a slower rate, and it sends much of the authority to work out the best healthcare delivery systems to our State Governors and legislators. It gives States more flexibility along the way so they can use resources to serve the specific needs of their citizens. I know in my State we frequently will come to Washington and ask the Health and Human Services Department and the Centers for Medicare and Medicaid Services, or CMS, for a waiver so we can actually use the Medicaid money and to spend it most effectively—to build either a medical home or to deal with chronic diseases, or some other flexibility we need in order to deliver quality healthcare to our constituents. But the gall of having to come to Washington, DC, and asking permission on how to spend your own money is just too much.

I believe, actually, the American Health Care Act is the most significant entitlement reform in decades. That is something we should all applaud—putting Medicare and Medicaid on a more sustainable path, not continuing to spend money that we don't have, and racking up annual deficits and adding to our national debt, which now is in the \$20 trillion range, with no end in sight.

Both Federal and State governments spend a significant amount of money on Medicaid every year. As I indicated, last year nearly one-third of the Texas budget was dedicated to Medicaid. The fact of the matter is that when the States have to spend so much of the money they tax and collect on Medicaid, then, it is unavailable for other important purposes—law enforcement, education, and the like. There is a crowding-out effect. By responsibly re-

forming Medicaid, the States and the Federal Government will benefit, all while helping Medicaid work for the most vulnerable in our country and putting us on a path to fiscal sustainability.

In addition to entitlement reform, this bill will also get rid of the ObamaCare taxes that have led to hikes in premium costs, fewer options for patients, and more redtape for job creators. I know, being in Tyler, TX, for example, back after ObamaCare passed, and meeting with a woman who said she was forced, actually, to work two jobs because her employer laid her off of her full-time job, so as to come under the cap necessary for the ObamaCare employer mandate. So, literally, this single mother had lost her full-time job because of ObamaCare and was forced to work two part-time jobs just to make up the difference in income.

We will also, in this American Health Care Act, eliminate the individual mandate. President Obama said when he ran for office back in 2008 that he was opposed to penalizing the American people if they did not buy government-approved insurance, but of course he changed his tune once he was sworn into office.

We will eliminate the individual mandate so people who don't want to purchase a government-approved plan are not forced to buy a plan they don't want and that they can't afford or else suffer a penalty. This bill will also help families spend money on healthcare decisions that make the most sense to them by giving them tools so they can manage their healthcare expenses like health savings accounts.

The American Health Care Act is an answer to a promise we made and we have made repetitively in the last three elections since ObamaCare became the law of the land. I believe it is imperative we keep our promise.

Some have said: Well, this is a difficult process. I agree. There are a lot of different ideas that people have. I agree. That is a good thing, but in the end, we have a binary choice. We can either keep the status quo, which is in meltdown—which is ObamaCare—or we can pass legislation which offers more choices at affordable prices to the American people.

I believe the choice is very clear. It is a great opportunity to reform our healthcare system and Medicaid and move healthcare decisions away from Washington and back to the families, back in the States where we all live, and back in the hands of patients and their doctors. I look forward to working with my colleagues and the Trump administration to make this a reality.

Again, the choice is between the status quo, which is unacceptable, which is not working, or a better way. I, for one, choose a better way: more choices at a price consumers can afford.

I yield the floor.

THE PRESIDING OFFICER (Mrs. ERNST). The Senator from Maine.

REPUBLICAN HEALTHCARE BILL

Mr. KING. Madam President, I rise to address the bill that has been recently—and I emphasize the word “recently”—introduced in the House of Representatives. I believe it was introduced Monday. It is having not a hearing but a markup today, and may be on the House floor as soon as tomorrow or early next week.

As the President said recently, healthcare is complicated. To me, to introduce a bill that was not available to any Members of Congress before Monday, mark it up in committee 2 days later, attempt to pass it on the floor of the House, and then I understand it may come directly to the floor of the Senate without any committee consideration, it just seems to me is a disservice to the process and a disservice to the traditions and practices of this institution.

This is complicated. It is difficult. The ramifications and implications of this bill, just as any other major change in our healthcare system, are incredibly important. This is not about ideology. This is about people. This is about the impact on people. I want to talk about the impact of this bill, as we have thus far been able to assess it, on the people of Maine. When I look at a piece of legislation down here, I start with Maine. How will it affect the people who live along our coast or inland, in the small towns, and particularly people who are above the age of 50?

Maine happens to be the oldest State in the country. Therefore, anything which negatively impacts seniors doubly negatively impacts the people of my State. I feel this bill is a disaster for seniors. I define seniors in this case as anybody over 50 because it does several things. One of the things it does, and there should be a great deal of discussion about this, under the Affordable Care Act, which recognizes the fact that seniors and people who are older tend to have more medical needs than those who are younger, it caps differential at three times. In other words, a senior can only pay three times what a younger person pays, and even that is burdensome in many cases.

This bill changes three to five. It will be a very substantial increase in the payments and the costs of insurance and healthcare to senior citizens. Now, the Kaiser Family Foundation, which is, I find, the most nonpartisan and informative source of information on all of these issues, has created a handy tool on their website, where you can put in information, such as family income and age, and determine what you would have paid under the Affordable Care Act and what you would pay under this new bill.

What they found was—I wanted to look and see what somebody in my State will pay. If you are a 60-year-old in Aroostook County Maine with an income of \$30,000, the subsidy—the support for the premium for individual insurance—would fall by 70 percent. The support for your insurance policy

under the Affordable Care Act would fall by 70 percent.

Throughout our State, the average decrease would be 48 percent—almost half. So we are talking not about some theoretical, ideological, political thing here, we are talking about people's ability to afford health insurance. It is about as clear as it could be. That is why it is frustrating to me that we collectively—the Congress—are going to be asked to consider this bill with literally no hearings, no input from the public, no discussion of how all the pieces fit together or don't fit together. Yet we are going to be asked—I believe, my understanding is, we are going to be asked to vote on this bill sometime on the floor of the Senate, without any committee consideration, in the next week or so.

This is too important to people's lives to give it such short shrift. It is just not right to make changes of this magnitude that are so vital to people's well-being and literally their health and their survival in some cases. It is unthinkable to me that we would do this without a round of hearings and discussions and the regular order that we supposedly honor around here as to how major legislation is to come to the floor.

I received a letter just recently: “Hi, Angus.”

I like it when my correspondents say “Hi, Angus” instead of “Senator.”

Hi, Angus [he says]. I have worked in the pulp and paper industry for close to 30 years. It was a good industry up here, supported middle-class families in northern Maine. But we have had layoffs and closures of our mills. After every closure, I had to obtain health insurance for my family on my own. Before ObamaCare, this was a disaster. I could only obtain catastrophic insurance from one of two providers. There was no way I could pay \$1,500 a month for a decent plan. After ObamaCare, I could obtain decent insurance at a decent price. While there may have been problems for some, it was a godsend for my family. Please help ensure we don't go back to the old days. We are self-employed by our small business and would not be able to pay more for less.

That is what the bill that is in the House would do, pay more for less. By the way, how does the money work in this bill? Well, one of the things the bill does is, my understanding, and, again, I am only operating on what we have seen in the last 24 hours because of no hearings, but one of the things it does is eliminate a tax on people who make over \$250,000 a year in order to cut coverage for people who are not making that kind of money.

It is a tax cut, and shifting the cost to our citizens, particularly our seniors. The pattern is, shift and shaft. Shift the cost, and shaft the people who need the coverage. This is supposed to be a substitute. It is supposed to be coverage for everyone. You have to be careful. When people talk about access, they are talking about: Yes, you can buy it, but if you can't afford it, that is not really access. This bill dramatically decreases the support for health insurance premiums through the Affordable Care Act.

The reality is, and I hear a lot of talk about how ObamaCare is collapsing. It isn't. More people signed up this year than last year. Yes, it is true the rates went up, but that was because younger people were not signing up in significant numbers. We need to deal with that issue because that makes the risk pool older and sicker and therefore more expensive.

I have been told by insurance officials that if something like this bill that is in the House passes and the subsidies disappear and the Affordable Care Act goes away, the private health insurance market for individuals, the so-called individual market, will essentially collapse. The reality is, the uninsured population of this country has fallen virtually in half since the passage of the Affordable Care Act. Twenty-two million people have coverage now who did not before and we can take it away.

The other piece I don't like about this bill is it phases things out so the impact will not be felt until after the next election or sometime in the future. Well, the future comes. In this case, the future is going to be pretty desolate for people who have health insurance now and are not going to have it 2, 4, or 6 years from now. It is just not right.

I am one who has been saying, since I entered this body now 4-plus years ago, that there are problems with the Affordable Care Act. We should be working on those problems. We should be working on repairing it, not destroying it. We should not be talking about taking healthcare coverage away from people in this country.

I am sure I and many others will be addressing more comprehensively the provisions of this bill as it becomes more clear, even though we are going to have to ferret those provisions out because we are not going to have the benefit of expert testimony and views from a variety of points of view of how this is actually going to work.

The reality is, I don't think there is much question that this proposal will hammer Maine and my people. I can't stand for that. I hope the House will have a more vigorous process, they will understand what the implications are, and take a more judicious approach so we are not tearing insurance out from under people, we are not going to make the cost be driven up, we are not giving a tax break to people who make over \$250,000 a year, and at the same time taking coverage away from people who make \$30,000 a year.

That is wrong. We should be repairing, not repealing. I think this bill is not the right place to start. I stand for the people of Maine. I stand for the people who are going to be harmed by this, whether they are seniors or working people or self-employed people or people who have been able to start businesses because they could get, for the first time, insurance under the Affordable Care Act.

I believe that is our obligation. We have an opportunity to work together.

I am willing to work with anyone who wants to work on improving and dealing with some of the issues that have been raised by the Affordable Care Act.

Let's stop talking about repealing. Let's talk about fixing, strengthening, and meeting our commitment to our fellow citizens in Maine and across our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

(The remarks of Mrs. SHAHEEN are printed in today's RECORD during consideration of S. Res. 84.)

Mrs. SHAHEEN. Madam President, 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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REPUBLICAN HEALTHCARE BILL

Mr. BROWN. Madam President, I join literally millions of Ohioans and tens of millions of Americans in my concern about what the House of Representatives is trying to do to our healthcare laws and our healthcare system.

I leave just one statistic with my colleagues in the Senate, and that is that in my State alone, there are 200,000 people who are now under treatment for opioid addiction, and they are able to get this comprehensive treatment because they have insurance under the Affordable Care Act.

The legislation apparently coming out of the House of Representatives, even though we do not know how much it costs, is a big tax cut for the wealthy. We do not know how much it costs because they are moving so quickly. It was under wraps, and now they are moving it so quickly that the Congressional Budget Office has not even had time to look at it and understand what it costs, nor has it been able to tell us how many of the 22 million Americans who have insurance under the Affordable Care Act will lose their insurance. They want to move so fast that they are not even answering the basic questions of how much it costs—a lot; how much it is going to add to the deficit—a whole lot, but they will not be specific; and how many people will lose their insurance.

As I said, today 200,000 Ohioans are getting treatment for opioid addiction under the Affordable Care Act. Most of them—we think at least half, but tens of thousands of them will lose their treatment just like that, right in the middle of their addiction treatment. What does society gain by that, other than some Republican talking points, when people chanted for 6 years “repeal and replace ObamaCare,” never having any idea how they were going to replace it—still don't—to do it right and continue that effort.

Finally, there is the hypocrisy of this, where Members of Congress in the

House and in the Senate enjoy taxpayer-financed health insurance. People in this body—most of the 100 Senators and most of the 435 Congressmen and Congresswomen—have health insurance provided by taxpayers, yet they want to take insurance away from millions of Americans. These are people who have jobs. They are millions of Americans who have jobs, who are making relatively low wages. Some of them may be holding two or three part-time jobs. They make low wages. They have no health insurance provided at their job. People in Congress who have taxpayer-funded health insurance are taking their insurance away, stripping them of that insurance. How morally repugnant that is. How hypocritical that is. Yet they move along their merry way.

We should defeat these efforts. We should continue to make improvements in the Affordable Care Act, but not wholesale destruction that will throw hundreds of thousands of Ohioans off of the insurance they have.

I will close with this. My Republican Governor has admonished his Republican colleagues around the country and in Congress not to repeal the Affordable Care Act and throw 900,000 people in Ohio off of their insurance without a replacement to take care of it. This bill coming out of the House is far from an adequate replacement.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CALLING FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. BLUMENTHAL. Mr. President, even in its early days, this administration has embarked on a course of foreign private interest entanglements and conflicts of interest that are truly staggering.

Just this morning, the Associated Press reported that China has granted preliminary approval for 38 new trademarks. They are Trump trademarks, paving the way for the President, Donald Trump, and his family to “potentially develop a host of branded businesses from hotels to golf clubs to bodyguard and concierge services.”

These reports are contained in public documents. All but three are in the President's own name. The AP report also quotes an official as saying that “for all these marks to sail through so quickly and cleanly, with no similar marks . . . no issues with specification, boy, it's weird.”

Now, the speculation is that these trademarks could not have been issued without approval by the ruling Communist Party, that hierarchy had to be involved, and that awareness had to involve their approval for these intellectual property interests. The benefit is

to the President through his private interests. The fact is, the President of the United States should be beholden only to the American people, not to personal profit, but in fact these trademarks raise the specter that the President possibly is beholden to the approving officials in China even more than to the American people. That is an issue that merits investigation. Like so many issues arising in this young administration, the question is, Who will do that investigation?

The lawyers in China representing Donald Trump applied for these trademarks in April of 2016, even as then-Candidate Donald Trump railed against China at his campaign rallies, criticizing Chinese currency manipulation, its intellectual property theft, its attraction of jobs from this country to theirs. The question arises, What has he done about those issues? In fact, China continues to manipulate its currency, continues to attract jobs from this country, and continues its aggressive policies in the area around that country.

The question is whether an inquiry is appropriate—which certainly it seems to be—and who will supervise it. It is the same question that arises with respect to Russian interference in our electoral system and the potential ties between Trump team officials and the Russians who committed those acts. Those ties have been established by evidence that is now incontrovertible because it is admitted by the officials themselves, now Attorney General Jeff Sessions and former National Security Advisor Michael Flynn.

It is now a matter of factual record that Russia engaged in a series of deliberate cyber attacks in order to carry out an unprecedented plot to undermine the 2016 elections with the goal of assisting Donald Trump. The growing body of evidence clearly and unmistakably indicates that Trump campaign officials were in contact with Russia during the election. These deeply troubling claims of coordination with a foreign government to influence an American election certainly deserve exacting scrutiny and investigation, and the more we learn, the more troubled we become. In fact, we are rapidly careening toward a constitutional crisis. These recent revelations about Vladimir Putin's government and former National Security Advisor Michael Flynn resulted in his resignation. There have also been details about contact between Attorney General Sessions, our former colleague, and the Russian Ambassador that have caused his recusal from all inquiries of that subject matter.

I believe a special prosecutor must be appointed to investigate the Russian interference and meddling in our election, the massive cyber attack misinformation, and propaganda campaign conducted to subvert that election. The potential for cooperation, condoning,

connecting between the Trump officials and Russia certainly merits investigation as well. Without reaching conclusions, the special prosecutor ought to investigate and then reach a conclusion. His conclusion should be based on fact, not surmise or speculation.

For weeks, I have called for a special prosecutor to investigate possible ties between members of the Trump campaign, the Trump transition, and the Trump White House to Russian officials who sought to interfere with our election. I support the Intelligence Committee in conducting its investigation. I would favor the appointment of a special commission or a select committee of the Congress to do fact-finding, make reports and recommendations in a fully transparent way, but only a special prosecutor can take action based on criminal intent. Only a special prosecutor can pursue violations of criminal law, to not only investigate but also bring charges and seek appropriate punishment and remedy. Only the Deputy Attorney General of the United States can appoint a special prosecutor because the Attorney General has recused himself—in other words, taken himself out of all of the areas of this subject matter. That is why I asked yesterday that the nominee for Deputy Attorney General, Rod Rosenstein, commit to appoint a special prosecutor.

His answer to me was that he wishes to wait until he is approved by the Senate—assuming his confirmation occurs—to decide whether to appoint a special prosecutor. He claims he needs to familiarize himself with the facts and circumstances of any ongoing investigation before he can make a decision. With all due respect, the facts he needs to know are already established. They are already a matter of public record. They are already known to the American public. There is an investigation ongoing by the FBI—and with good reason—into Russian meddling in our elections, this massive campaign of misinformation and cyber attack that they purposefully conducted to influence the outcome of our election.

We know the Justice Department must investigate and pursue the ongoing investigation, wherever the evidence leads. Part of that evidence inevitably will be meetings that were conducted by his boss, the Attorney General of United States, Jeff Sessions, which is why the Attorney General has recused himself—because he could be involved in that investigation as a witness, as a subject, even possibly as a target, as could the President himself.

To close that investigation, the Deputy Attorney General, or whoever is conducting it, needs to question the Attorney General of the United States. To conduct that investigation, that questioning must occur. So the Deputy Attorney General would be expected to be investigating his boss. If he decides to conduct that investigation himself, he must appoint a special prosecutor to establish the independence of that in-

quiry, to assure that in reality and in appearance the American public is assured that the investigation is independent, objective, impartial, vigorous, and fair.

The facts that warrant a special prosecutor are already known and they are already a matter of public record. That is why I believe he must commit himself now, before his confirmation—in fact, as a condition of his confirmation—to take that action, which preserves the credibility and public confidence in the Department of Justice that he observed very eloquently in his confirmation hearing as one of his central objectives.

There is a lot of precedent for this step. The most prominent one perhaps is Elliot Richardson, when he was the Attorney General designee. He was requested by the Judiciary Committee, at that time, to make the same kind of commitment—and he did. He kept his promise. He appointed Archibald Cox to be special prosecutor, and the Watergate scandal was appropriately investigated and pursued. That example—when Elliot Richardson had enough facts, just as Rod Rosenstein does now—ought to be the lodestar here. It ought to be the model for his commitment to appointing a special prosecutor.

The simple fact is, Rod Rosenstein, like Elliot Richardson, knows everything he needs to know to be sure a special prosecutor is necessary, and especially because he is a career prosecutor with a distinguished record, and because he has that intellect and integrity that would qualify him probably to be confirmed, he should know it is the right thing to do. Maybe he will do it if he is confirmed, but it would serve the interests of justice, and it would help to sustain and enhance the trust and public confidence in the Department of Justice if he were to do it now, as Elliot Richardson did many years ago.

We live in an extraordinary time. The conflicts of interest and foreign entanglements that threaten our Nation, beginning at the very top of this administration, impose a unique mandate on the Department of Justice. The recusal of the Attorney General from this investigation indicates that leadership and integrity are necessary at every level as never before. That is why, in this extraordinary time, I urge the Deputy Attorney General nominee, Rod Rosenstein, to do the right thing and make sure there is an investigation that is independent and vigorous, as well as fair and full; that we know all of the facts eventually and that action is taken appropriately to deal with the Russian interference in our election, the potential ties between the Trump administration—before and after the election—in those improper interferences by the Russians in our election, and that the danger of cover-up, indicated by the potential false statements made by Jeff Sessions before the Judiciary Committee and Mi-

chael Flynn elsewhere, be stopped before it starts. Only a special prosecutor can provide the unbiased and fair answers that are so urgently needed.

The American people deserve an explanation. They deserve an explanation for the trademarks that have been issued to Donald Trump in China. They deserve an explanation by a special prosecutor on Russian meddling and Trump ties to that meddling. Whether the independent and special prosecutor broadens the scope of that investigation to include the entanglements or conflicts of interest involving China is a question that will have to be addressed by that official, but this much we know now. We are rapidly careening toward a constitutional crisis, a crisis of credibility as well as legal challenges. The historic opportunity and obligation this nominee owes the country cannot be avoided.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Apparently there is another speaker. I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, looking at today's headlines and listening to the news, it may seem as if colleagues from across the country—Democrat, Republican—don't always agree on some things, let alone anything. I think we are starting to see a consensus emerge—a very good, genuine agreement emerge between liberals and conservatives, Democrats and Republicans on at least one matter in Washington, DC, in the Senate: Neil Gorsuch. That agreement is on Neil Gorsuch.

Neil Gorsuch is an exceptional nominee for the U.S. Supreme Court. In fact, Judge Gorsuch is, by many extents and by many commentators, arguably one of the most talented jurists we have nominated to the Court in a very long time, at least in modern history.

As the Denver Post in Colorado said: "Gorsuch is a brilliant legal mind" who has a reputation for "[applying] the law fairly and consistently."

You can't ask for much more than that—somebody who will apply the law fairly and consistently. However, this shouldn't surprise anyone who knows Judge Gorsuch. Judge Gorsuch has always enjoyed overwhelming bipartisan support. All we need to do to see that is to look back to 2006 when we could see that most clearly in the U.S. Senate.

In 2006, when Judge Gorsuch was unanimously confirmed to the Tenth Circuit Court, 12 current Democratic Senators, including the minority leader and Senators LEAHY, FEINSTEIN, and DURBIN, all were in office. It was a nomination in 2006 that was unanimous, a nomination that went by voice vote.

He was so universally appealing to the Tenth Circuit Court that he had an introduction at the Judiciary Committee by both a Democratic Senator

from Colorado and a Republican Senator from Colorado, joined by every single person on the floor to vote yes unanimously.

They approved his nomination. And to give you even greater context about this vote, the people who made this vote, the approval of Judge Gorsuch in 2006 to the Tenth Circuit Court came in addition to the 12 people I just mentioned who are here today and who were here then. It also came with the support of then-Senator Obama, Senator Biden, Senator Clinton, and Senator Kerry.

Approximately 11 years later, now that Judge Gorsuch has proved himself to be a mainstream jurist, a consensus builder, a profound legal mind with an even temperament and affable nature, we have a chance again to put this incredibly brilliant mind on the Nation's highest Court.

Judge Gorsuch is a faithful adherent to the Constitution and the organizing principles of this great democracy. I have no doubt that Judge Gorsuch will—and should—enjoy similar levels of approval among my distinguished colleagues across the aisle.

I also wish for people to learn more about Judge Gorsuch personally and to tell some stories about growing up in Colorado. It is a story about how a young man from Denver, CO, through his own hard work and academic excellence, rose to the highest echelons of the legal profession and to the nearly universal acclaim of Democrats and Republicans.

A fourth-generation Coloradan, Neil Gorsuch learned the value of hard work at a young age from his grandfathers. His maternal grandfather, Dr. Joseph McGill, began his adult life by working in Union Station, the main railway terminal in Denver. From there, Dr. McGill put himself through medical school and became a prominent surgeon. With his wife, Dorothy Jean, Dr. McGill raised seven children, all of whom he gave a better life to and put through college.

Neil's paternal grandfather, John Gorsuch, was his legal inspiration. After serving in World War I, John Gorsuch put himself through undergraduate and law school at the University of Denver by driving a trolley car. Upon graduation, John built a law practice focusing on real estate law. He also made time to help Denver's welfare department and participate in the Kiwanis Club and numerous other civic organizations. Later, John started what was at one time one of the largest law firms in Denver, Gorsuch Kirgis, where he practiced well into his eighties.

It was this family work ethic that drove Neil to get his hands dirty and pursue blue collar jobs at a young age. In Colorado, he moved furniture, he shoveled snow, he mowed lawns, and he even shoveled some more snow in the great State of Colorado. It was this work ethic—and a lot of shoveling of snow—combined with his family's ap-

preciation of higher education that helped Neil consistently realize academic excellence.

By now, I think this Chamber is well familiar with Judge Gorsuch's sterling academic credentials, receiving his undergraduate degree at Columbia, law school at Harvard, Ph.D. at Oxford. I don't think any of us can forget, nor should we, the fact that he spent a summer at the University of Colorado.

Intellect alone doesn't get you through the halls of these storied academic institutions. It requires hard work, independence—two values of the West; two values in addition to many other western values that Judge Gorsuch holds.

It is these values, these western perspectives that the Supreme Court desperately needs to grow. Judge Gorsuch is a lifelong outdoorsman. He enjoys fly fishing and skiing. In fact, I have been told that he is a double black diamond skier. His wife, Louise, cares for animals in a small barn on his land.

In addition to his love of the outdoors and his appreciation of nature's beauty, Judge Gorsuch understands the complex legal issues facing westerners and our Western States.

Since 2006, Judge Gorsuch served on the Federal court that covers the Tenth Circuit Court based out of Denver that covers six other Western States—Colorado, Oklahoma, Kansas, New Mexico, Wyoming, and Utah. Those States represent nearly 20 percent of the land of the continental United States.

His service on this court has provided him with a unique understanding of public lands, water, and Tribal issues that many of the other Western States in the region face. Some of the most complex legal challenges in water law and others come before his court as a result. That experience would serve all of our Western States well when utilized from the U.S. Supreme Court.

Over the coming days, I plan, along with many of my other colleagues, to elaborate on why Gorsuch's western values and perspective make him an outstanding choice for the U.S. Supreme Court. I look forward to working with colleagues on both sides of the aisle to make sure he gets a timely up-or-down vote. From the highest echelons of the legal field to the Tenth Circuit Court, to the U.S. Supreme Court, Judge Gorsuch would make us proud, and he would serve this country well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

(The remarks of Mr. MANCHIN pertaining to the introduction of S. 581 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MANCHIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

TRUMPCARE AND THE NOMINATION OF SEEMA VERMA

Ms. HIRONO. Mr. President, it seems appropriate that we are debating the

nomination of Seema Verma to head the Center for Medicare and Medicaid Services the same week Republicans in Congress introduce a plan to dismantle the Affordable Care Act.

Over the past 8 years, President Obama and the Democratic Party have been fighting to make sure that everyone in this country has access to affordable, quality health insurance. President Trump and his allies in Congress do not share this commitment. Instead of debating how best to expand access, they are fighting with each other to see just how many people they can kick off insurance rolls—all in a crusade, apparently, to save some people money.

This is not a crusade to improve the lives of as many Americans as possible. It is a crusade to serve their radical antigovernment ideology. In fact, "ideology over people" is a useful shorthand to describe the first 2 months of the Trump administration.

The problem with their ideological debates is that people are left out of the debate. Do we really know what it is like to be without health insurance? Under the plan to repeal the ACA, 20 million people in our country will be without health insurance, without healthcare. What if you were one of those people?

This question is not an academic one for me. I know what it is like to live without health insurance. When my mom brought my brothers and me to this country—I am an immigrant—her job did not provide health benefits. My greatest fear growing up as a little girl in this country was that my mom would not be able to go to work if she got sick. If she wasn't able to go to work, where would money for food and rent come from?

That is not the kind of fear we want to impose on millions of children in our country, but we will be doing just that to the 20 million people and their families who gained health insurance under the Affordable Care Act—many, for the first time in their lives. They did not have to be worried every single day that their child or their parents would be sick and would not be able to afford the care that they needed. This is not an academic exercise for any of them. They will be hurt by what we are being asked to do. It is not an academic exercise for the millions more who will lose their insurance coverage under TrumpCare.

But no one should be surprised. This administration and their allies in Congress continue to demonstrate a commitment to alternative facts. If you believe their alternative facts, TrumpCare would improve healthcare access for working families, seniors and women, and Americans would have, as the President said, "much better healthcare for much less money."

But in reality, TrumpCare will do the opposite. TrumpCare would end by 2020 the ACA's Medicaid expansion that millions of people in our country depend on every day. The expansion not

only provided health coverage to millions of people for the first time, but it also helped to keep hospitals in rural and underserved communities from closing down. These rural hospitals exist all across the country. In its place, TrumpCare would change how States receive Medicaid funding, and it would do so in a way that ensures that these programs cannot keep pace with the rising cost of health insurance in their counties and in our country.

Under this new system, States would have less money to spend on Medicaid recipients and face the prospect of tightening eligibility and slashing benefits. This would be particularly devastating in Hawaii, where we saw the number of people enrolled in Medicaid grow by nearly 20 percent under the ACA. Medicaid has had a transformative impact on tens of thousands of lives in Hawaii and millions of others across the country.

Anne from Oahu walked into the Kokua Kalihi Valley Clinic 3 years ago. She had no health insurance, and she was pregnant at the age of 15. The doctors at the clinic helped Anne apply for Medicaid, which helped her afford prenatal care, gave her support to stay healthy and, very importantly, to stay in school.

Medicaid helped Anne and her husband Dan, age 17, welcome a healthy baby boy named Joseph. Today, Anne is a graduate of Farrington High School, works part time, and has plans to become a pediatric nurse practitioner. Anne, Dan, and Joseph now have insurance through Dan's employer.

Reducing access to this critical program is wrong. Trying to convince the American people they would be better off with the results of these kinds of drastic negative changes to Medicare and Medicaid is yet another alternative fact.

I am encouraged that four of my Republican colleagues spoke out forcefully against any bill that would eliminate the ACA's Medicaid expansion. We need more Republicans of conscience to make their voices heard on this important issue.

TrumpCare would also be devastating for seniors in Hawaii and across the country. Under TrumpCare, insurance companies would be able to charge older Americans up to five times more for an equivalent health plan than they would be able to charge a younger person. For a President and a party that professes to hate taxes so much, they don't seem to have a problem with what amounts to an age tax.

TrumpCare's changes to Medicaid would also have devastating consequences for States like Hawaii, where our rapidly aging population depends on Medicaid to pay for nursing home and other care. The President made the American people a promise—that his healthcare plan would not touch Medicare. But the cumulative effect of TrumpCare's assault on our seniors—our kupuna—would force the Medicare

trust fund to go broke 4 years sooner than expected. For reference, the ACA extended the life of the Medicare trust fund by 10 years.

This would have a devastating impact for seniors like Anne and Lanny Bruder from Kauai. Lanny is 80 years old and working three jobs to make ends meet. He has had two knee replacements and a heart attack. Anne has glaucoma and pays a lot of money out of pocket for her prescription eye drops. They can't afford to pay more for their health insurance, which is exactly what is going to happen under TrumpCare.

TrumpCare would also have a profoundly negative impact on women across the country. The President's plan would completely zero out funding for Planned Parenthood. This lifesaving, lifesaving organization would no longer be eligible for Medicaid reimbursements or Federal family planning, which would leave a \$500 million hole in their budget.

Republicans continue to claim falsely that community health centers would fill the gap in service left by the demise of support for Planned Parenthood—not true. Most of these community centers, whose resources are already stretched thin, do not provide women's healthcare or family planning services. In other words, they would not be able to replicate the services that Planned Parenthood provides all across the country to millions of women and families.

Planned Parenthood operates two clinics in Hawaii, one on Oahu and one on Maui. They are the forefront of innovation in increasing access to family planning services across the State. They launched an innovative new mobile application that would allow doctors to provide digital consultations to women on neighbor islands for the purpose of prescribing birth control. Recently, Planned Parenthood made their first delivery to the island of Molokai, a largely rural island with little permanent medical infrastructure. This is the kind of innovation we should be encouraging, and it is precisely the type of program that could get cut if Planned Parenthood loses its Federal funding.

I often say that there are people in this country getting screwed every second, minute, and hour of the day. Instead of reducing that number, which should be our goal, TrumpCare would increase the number of people who get hurt in our country. The wealthiest of the wealthy in our country would benefit because—not only would all these things happen under TrumpCare that would be devastating to families, to women, to our seniors—TrumpCare would also give a big tax break, a big tax cut to the wealthiest people in our country. They don't need that kind of tax cut. Do people making over \$2 million a year really deserve another \$150,000 a year in tax cuts? I don't think so.

TrumpCare would be a disaster for the middle class, I am going to do ev-

everything in my power to stop it from being the law of the land. We have come too far in the past 8 years to go backward. The first way we can fight back against this plan is by rejecting the nomination of Seema Verma, who would be in charge of implementing TrumpCare as the head of CMS.

Ms. Verma is unqualified for the job she has been nominated to do. She has absolutely no experience running a major Federal department and has virtually no budgeting experience. This is deeply disconcerting because as the Administrator of CMS, she would oversee a \$1 trillion budget, which is twice as large as that of the Pentagon.

Ms. Verma would also continue the President's assault on women's healthcare. During her confirmation hearing, Ms. Verma said she opposed the ACA's requirement that all health plans cover pregnancy care. It is because of this attitude that millions of women across the country are participating in a Day Without Women today. In solidarity with them, I will fight tooth and nail against TrumpCare and encourage my colleagues to oppose Seema Verma's nomination to serve as the Administrator of the very agency that is supposed to be protecting healthcare for all Americans.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, I oppose H.J. Res. 58, another Congressional Review Act resolution that would roll back an agency's efforts to implement a law and prevent it from doing its job in the future.

In this case, we are considering eliminating Department of Education regulations on teacher preparation programs. In the 2008 reauthorization of the Higher Education Act, Congress required States to assess and identify low-performing teacher preparation programs to ensure that every teacher graduates ready for the classroom. Following a process that began in 2011, the Department of Education released a draft rule in 2014. That draft wasn't perfect and needed more flexibility for States and institutions of higher education. After an extended comment period, the Department revised the rule 2 years later. Though it may not satisfy everyone, the final rule provides clarity in line with Congress's direction.

Congress has the opportunity, with the reauthorization of the Higher Education Act, to improve upon these provisions. We can build on the State-driven assessment that this rule provides and further refine the system to make sure that data is being used to better prepare a more diverse class of teachers for our schools.

If the Trump administration does not want to wait for further legislation, it can engage in a new rulemaking, but as with all Congressional Review Act resolutions, this resolution is a meat ax rather than a scalpel. It repeals the rule and prevents the Department from carrying out its responsibility to ensure high-quality teacher preparation programs. This is simply the wrong approach, and I urge a no vote.

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

Mrs. MURRAY. Mr. President, I come to the floor to once again urge my fellow Senators to vote against the pending resolution and support strong and accountable teacher preparation programs in America today.

There are so many great teacher prep programs across the country that are supplying our teaching students with the tools they need to succeed in the classroom, but there are also teacher prep programs that are struggling and need support to make sure they are producing great teachers for our schools.

This rule ensures that students can make informed decisions about teacher preparation programs and that they have access to this information before they take out massive amounts of student debt. It gives States information about the schools that are struggling so States can provide those schools the tools and resources they need to improve their teaching preparation programs.

Finally, eliminating this rule will give Secretary DeVos more power over our higher education programs—a risk we should not be willing to take without learning more about Secretary DeVos's vision for our higher education system.

Every student deserves to have an amazing teacher in the classroom. This rule helps ensure that is possible. So I urge Senators to think of the future teachers and students who will be impacted if this resolution passes.

Thank you.

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

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

Mr. SASSE. Mr. President, I ask unanimous consent that at 2:30 p.m. today, all remaining time on H.J. Res. 58 be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSE. Mr. President, I rise to restate my support for H.J. Res. 58, a resolution to overturn the Obama administration Department of Education's rule regulating future teacher preparation programs from Washington, DC.

This teacher preparation mandate actually assumes that Washington bureaucrats are competent to micro-manage teacher training programs across America. There are 27,000 such programs, by the way, and this micro-management is absurd. We all agree that education matters, that teachers matter, that teacher training programs matter, and that kids are the future of our country, but I ask my colleagues to

acknowledge the expertise and to respect the reforms already begun at the district and State levels and to reverse this misguided Federal regulation of teacher preparation programs.

I would like to close by reading several quotations from those who would have been affected by this regulation had it gone into effect.

This first quotation comes from the American Federation of Teachers. Their public statement on the final rule, on October 12, 2016, reads as follows:

It is, quite simply, ludicrous to propose evaluating teacher preparation programs based on the performance of the students taught by those program's graduates. Frankly, the only conceivable reason the department would release regulations so out of sync with the Every Student Succeeds Act and President Obama's own call to reduce high-stakes testing is they are simply checking off their bucket list of outstanding issues before the end of their term.

The final regulations could harm students who benefit the most from consistent, high-quality standards for teacher preparation programs. The regulations will create enormous difficulty for teacher prep programs and place an unnecessary burden on institutions and states, which are also in the process of implementing ESSA.

My second quotation comes from the comments of the provost and the chair of the Department of Education at Creighton University in Omaha, NE, dated February 2, 2015, of the comment period:

As stated earlier, the regulations represent a significant financial burden to institutions, local school systems, and states. In the state of Nebraska, there are over 500 individual teacher preparation "programs" subject to the complexities of these regulations.

Again, these regulations are 700 pages.

Even as a system is developed, issues regarding privacy, low numbers, and student demographics would impact results unfairly and result in decisions unlikely to improve teacher preparation programs and student learning at PK-12 schools [in Nebraska].

My third and final quotation comes from the Association of Independent Colleges and Universities of Nebraska, and they wrote the Department of Education about this rule as follows:

[T]he budgetary impact of this regulation is significantly understated, if not laughable. No financial support for states, school systems, or institutions of higher education to implement the requirements is proposed. The regulations create new requirements for colleges, schools, and states to track and report on candidates and teachers for many years. Those systems are not in place. The cost estimates make inaccurate assumptions that colleges and states already have the systems in place for collecting, analyzing, reporting, and utilizing data (federally-mandated data which may or may not be valid or reliable for the purposes for which it is intended to be used). It also provides a timeline that is unworkable for most states and institutions.

Mr. President, I ask unanimous consent that the following statements and letters be printed in the RECORD.

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

[From www.aft.org, Oct. 12, 2016]

AFT'S WEINGARTEN ON TEACHER PREPARATION PROGRAMS REGULATIONS

WASHINGTON—Statement from American Federation of Teachers President Randi Weingarten on the Department of Education's final regulations for teacher preparation programs.

"It is, quite simply, ludicrous to propose evaluating teacher preparation programs based on the performance of the students taught by a program's graduates. Frankly, the only conceivable reason the department would release regulations so out of sync with the Every Student Succeeds Act (ESSA) and President Obama's own call to reduce high-stakes testing is that they are simply checking off their bucket list of outstanding issues before the end of their term.

"The final regulations could harm students who would benefit the most from consistent, high-quality standards for teacher preparation programs. The regulations will create enormous difficulty for teacher prep programs and place an unnecessary burden on institutions and states, which are also in the process of implementing ESSA.

"Instead of designing a system to support and improve teacher prep programs, the regulations build on the now-rejected high-stakes testing system established under NCLB and greatly expanded under this administration's Race to the Top and waiver programs. It's stunning that the department would evaluate teaching colleges based on the academic performance of the students of their graduates when ESSA—enacted by large bipartisan majorities in both the House and Senate last December—prohibited the department from requiring school districts to do that kind of teacher evaluation.

"Teacher prep programs need to help ensure that teachers are ready to engage their students in powerful learning and creating an environment that is conducive to learning. These regulations will not help achieve that goal. These regulations do not address ways to help the current status of the teaching profession: the shortages, the lack of diversity or the high turnover.

"While the department has made minor tweaks, the flawed framework remains the same. The regulations will punish teacher prep programs whose graduates go on to teach in our highest-needs schools, most often those with high concentrations of students who live in poverty and English language learners—the exact opposite strategy of what we need. As we brought up in January 2015—in our comments to the department's proposal—if programs are rated as the department proposes, teacher prep schools will have incentive to steer graduates away from assignments in our toughest schools, and that will only make matters worse.

"If we want to get it right, we should look to countries like Finland, where prospective teachers receive extensive training in their subject matter and teaching strategies combined with clinical training. Finland has no alternative prep programs. Programs are highly selective and free of cost; their graduates go on to work in supportive, professional environments with strong unions, fair pay and benefits, and without high-stakes testing."

OFFICE OF THE PROVOST,
CREIGHTON UNIVERSITY
Omaha, NE, February 2, 2015.

Re Docket ID ED-2014-OPE-0057.

Hon. ARNE DUNCAN,
Secretary, U.S. Department of Education,
Washington, DC.

DEAR SECRETARY DUNCAN: We would like to introduce ourselves. Our names are Edward

O'Connor, Provost, and Debra L. Ponec, Professor and Chair in the Education Department at Creighton University, which is located in Omaha, Nebraska. We are responding to the U.S. Department of Education's proposed regulations for teacher preparation programs released in the Notice of Proposed Rule Making (NPRM) on December 3, 2014.

Like other teacher preparation programs in institutions of higher education throughout the nation, the Education Department at Creighton University embraces accountability for our work. The faculty are eager to learn more about the effectiveness of our graduates and seek continual program improvement to ensure their profession-readiness in the classroom. Our preparation programs currently employ accountability mechanisms such as these:

- National and state accreditation
- Praxis II testing
- Survey data from graduates and employers
- Feedback from PK-12 school partners and Advisory Boards

Continuous Review of Programs

The institution's teacher preparation programs also undergo continual reform influenced by the effective practice, feedback from our K-12 partners, local and national workforce demands, new requirements from our legislature and state, new professional standards for preparation, and funding to support new initiatives. The Education Department at Creighton University has developed partnerships with public and private schools where instruction and clinical practice are on-site; integrated "best practices" into evidence-based teacher preparation; placed students in high need, diverse settings for clinical practice throughout the program; and provided data on the impact of our programs on our website. Our programs have a documented high placement and retention rate for our graduates. Our teacher preparation program actively supports accountability mechanisms that are fair, transparent, valid, reliable, feasible, and useful for program improvement. The proposed regulations initiated by the U. S. Department of Education do not meet these criteria.

Overall, if these proposed regulations were adopted, they would draw energy, funding, and attention away from innovative reforms, proven accountability initiatives, and overall program improvement currently under way in teacher preparation programs across the country. Some of the specific areas of concern are as follows:

The specific requirements outlined in the proposal usurp the rights of the state and higher education institutions to determine what indicators identify proficiency of teacher education graduates and their preparation programs. This unfunded mandate represents a significant financial burden to institutions, local school systems, and states. The costs of implementing these regulations have been woefully underestimated with the understanding that no federal funding would be available to move the proposed regulations forward. The proposed regulations require data systems to track and report on teacher education candidate effectiveness for multiple years. Many states do not possess the technology capacity to develop highly sophisticated data collection systems which will collect, analyze, report, and utilize this data in a meaningful manner.

The proposed regulations have generally not been tested for validity and reliability, and attaching high-stakes consequences at this point is of significant concern. For example, using PK-12 student academic achievement and growth to evaluate teacher performance is questioned by leading research organizations and education scholars as having questionable validity and reli-

ability for making teacher effectiveness decisions. Utilizing this approach of evaluating teacher performance to his/her teacher preparation institution is an even weaker link given the largely unknown impacts such as implications of time and place of employment and teacher preparation influence. The lack of a scientifically acceptable basis for using student achievement as a rating for program performance, even if the cost and burden were low, makes this indicator unreasonable. In addition, evidence that ACT/SAT/GPA scores are a reliable indicator of teacher effectiveness is equally questionable. Capstone assessments, which are being implemented in very limited ways are still inconclusive in their outcomes as measuring teacher quality.

As stated earlier, the regulations represent a significant financial burden to institutions, local school systems, and states. In the state of Nebraska, there are over 500 individual teacher preparation 'programs' subject to the complexities of these regulations. Even as a system is developed issues regarding privacy, low numbers, and student demographics would impact results unfairly and result in decisions unlikely to improve teacher preparation programs and student learning at PK-12 schools.

The regulations focus on placement, retention, and performance with PK-12 students has significant potential to become a disincentive to encourage candidates to seek placements in areas of high-need. This ideal conflicts with our mission statement and preparation which seeks to lead students to work with the underrepresented, disenfranchised, and poor. Our teacher preparation candidates are well-prepared, however, the potential of a teacher preparation program being rated on test scores of high-needs students will cause any institution pause. With lack of control of the experience of the teachers once employed and no assurance of resources to provide the supports for candidates in high-need schools, it is unreasonable to compare these candidates with candidates in non high-need situations.

The proposed timeline is unreasonable and unrealistic. Those states piloting connecting teacher effectiveness to student achievement are still under development and are experiencing many ethical and legal challenges as they seek to implement the requirements. Attaching outcomes to national accreditation is also problematic in that the new CAEP accreditation standards are not fully implemented and accreditation processes using the new standards will not officially be required until the Fall of 2016. The timeline presented in the proposed regulations would include piloting additional reporting requirements for the 2016-17 academic year which is unrealistic to meet significantly increased reporting elements, creation of new data systems, delivery of in-service and technical assistance systems for institutions and schools, and lack of new resources with which to accomplish the unfunded mandates.

The proposed regulations do not consider or support the philosophy that quality education requires a systemic approach. Factors such as student demographics, preschool learning opportunities, poverty and other social factors are not controlled by PK-12 schools or teacher preparation experiences. Other quality indicators such as equitable funding, strong curriculum standards, focus on providing opportunity—access—success for all students, and quality assessment which all contribute to PK-12 student learning are not controlled by teacher preparation programs. Therefore equating PK-12 student performance to the quality of a teacher preparation program is unfair and unreasonable. However, dedication to strong commitments and collaborative partnerships by educator

preparation programs and school systems impact the development of exemplary educators for the future.

Thank you for allowing us to address our concerns. If you have any questions, please feel free to contact us.

Sincerely,

EDWARD R. O'CONNOR,

PhD, FACHE,

Provost.

DEBRA L. PONEC,

EdD, NCC, Professor and Chair,

Education Department.

ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF NEBRASKA, LINCOLN, NE, JANUARY 29, 2015.

Re Comments Regarding Proposed Regulations, 34 CFR Parts 612 and 686; Teacher Preparation Issues.

SOPHIA MCARDLE,

U.S. Department of Education, Washington, DC.

DEAR MS. MCARDLE: I am writing as the representative of the private, non-profit, regionally accredited colleges and universities in Nebraska with teacher education programs. While we laud the US Department of Education in its efforts to improve the quality of K-12 and higher education in the United States, we believe there are portions of the proposed regulation that are troubling to our institutions.

First, Nebraska is a state that prides itself on local control in education matters. Despite the rhetoric about allowing states to use their own measures of student growth, this proposed regulation mandates states that do not already use value-added measures of student learning in their teacher assessments to do so. It provides for federally-mandated state indicators of quality for teacher preparation program assessments. This is a significant expansion of the federal role in its oversight of the states' responsibility for the education of its young people, and is inappropriate.

Second, the budgetary impact of this regulation is significantly understated, if not laughable. No financial support for states, school systems, or institutions of higher education to implement the requirements is proposed. The regulations create requirements for colleges, schools, and states to track and report on candidates and teachers for many years. Those systems are not in place. The cost estimates make inaccurate assumptions that colleges and states already have the systems in place for collecting, analyzing, reporting, and utilizing data (federally-mandated data which may or may not be valid or reliable for the purposes for which it is intended to be used). It also provides a timeline that is unworkable for most states and institutions.

The January 2, 2015 letter from the American Council of Education and twenty-three other association signatories to the Office of Information and Regulatory Affairs points out the significant understatement of OMB's estimate of the costs of implementing the proposed regulation by states and IHE's. Most of the teacher preparation programs that I represent are very small, and the impact on them will be disproportionately large from a cost standpoint. The Department cannot talk about tuition containment from one side of its mouth and take actions that will exacerbate tuition hikes out of the other side.

Third, while teacher preparation is one factor in secondary student performance, it is not the only factor. Demographics, family income, school facilities, parental support, and other non-preparation issues have impacts on student performance. This proposed

regulation may have unintended consequences that the USDOE should consider. Why would an IHE place a first-year student in a “troubled” school district or building, where he or she might be less likely to continue in a teaching career, when a “safer” placement would make that continuance more likely? Ergo, a higher rating for the IHE, the students in the program would not be at risk to lose Title IV funds or Teach Grants, and other positives for the college. On the other hand, a school district or building might lose the services of an outstanding first-year teacher which it really needs.

Finally, attributing financial aid-eligibility on institutional ratings based on research that may or may not be valid is irresponsible and bad public policy. It will hinder enrollment to students who could become outstanding teachers, but may have to overcome hurdles in order to do so. This regulation will give IHE’s less incentive to enroll those types of students.

For these reasons, we believe the proposed regulations should be reconsidered and a new negotiated rulemaking convened, with proposed regulations that take into account the myriad of comments received by the USDOE from states, institutions of higher education, and associations relating to these proposed regulations. Thank you for your consideration.

Sincerely,

THOMAS O’NEILL, JR.,
President.

Comments submitted by Nebraskans:

—Malinda Eccarius, University of Nebraska, Lincoln on Apr. 27, 2016: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4855>

—Debra Ponec, Creighton University on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4364>

—Lixin Ren, Doctoral Student, University of Nebraska–Lincoln on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4246>

—Don Jackson, President of Hasting College on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4231>

—Thomas O’Neill, President of Association of Independent Colleges and Universities of Nebraska on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-4541>

—Sharon Katt, Matthew L. Blomstedt, and Scott Swisher of Nebraska Department of Education on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-3887>

—Marjorie Kostelnik, University of Nebraska, Lincoln on Feb. 4, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-3511>

—Ronald Bork, Associate Dean, Head of Teacher Education at Concordia University, Nebraska on Jan. 26, 2015: <https://www.regulations.gov/document?D=ED-2014-OPE-0057-1997>

Mr. SASSE. Thank you, Mr. President.

I yield back.

The PRESIDING OFFICER. Under the previous order, all time on the joint resolution has expired.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. SASSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—59

Alexander	Flake	Nelson
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Johnson	Scott
Cornyn	Kennedy	Shelby
Cortez Masto	King	Strange
Cotton	Lankford	Sullivan
Crapo	Lee	Tester
Cruz	Manchin	Thune
Daines	McCain	Tillis
Donnelly	McCaskill	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—40

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Stabenow
Cardin	Klobuchar	Udall
Carper	Leahy	Van Hollen
Casey	Markey	Warner
Coons	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Peters	

NOT VOTING—1

Isakson

The joint resolution (H.J. Res. 58) was passed.

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 57.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to address the resolution the Senate is now considering.

In 2015, 85 U.S. Senators voted for the law fixing No Child Left Behind, which reversed the trend to a national school board and restored decisions to classroom teachers, local school boards, and States. The Wall Street Journal said it was the “largest devolution of federal control to the states in a quarter of a century.”

The Department of Education regulation this resolution seeks to overturn does exactly the reverse. It begins to restore the national school board, and it takes away responsibilities from classroom teachers, local school boards, and States. It does this in direct violation of the law that 85 Senators voted for just 15 months ago. So the question before us, today, is not only whether we believe in a national school board or local school boards. More important, perhaps, the question is: who writes the law? Does the U.S. Congress write the law, or does the U.S. Department of Education write the law? Article I of the U.S. Constitution says that the Congress, elected by the people, writes the law.

The purpose of this resolution is to overturn a regulation of the Department of Education that in 7 cases directly violates the Every Student Succeeds Act, passed just 15 months ago, and in 16 other cases exceeds the authority allowed by that law.

This regulation would say to States: Ignore the law 85 Senators passed 15 months ago. Ignore the law that President Obama called a Christmas miracle. Ignore the law that Governors, teachers, school boards, and superintendents all supported, and even ignore why they supported it. Instead, listen to the unelected bureaucrats at the U.S. Department of Education.

This regulation issued by the Department of Education specifically does things or requires States to do things that Congress said, in our law fixing No Child Left Behind, that the Department of Education cannot do. Therefore, it violates the law.

In this law, Congress said to the Department: You cannot tell States exactly what to do about fixing low-performing schools; that is a State decision. But this regulation does that anyway.