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Senate

The Senate met at 10 a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

PRAYER

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

Let us pray.

O Lord, the lover of our souls, we praise Your Holy Name.

Today, fill the hearts of our lawmakers with utter trust in You, providing them with faith to persevere in well doing. Renew their spirits and so draw their hearts to You that they will find delight in their labors as they strive to please You.

Lord, give them the wisdom to maintain a perpetual contentment for the blessings You provide them each day. May they never take for granted Your compassion, kindness, and mercies. Strengthen and support them in all of their endeavors, using them as instruments of Your peace and love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable LUTHER STRANGE, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

NOMINATION OF SEEMA VERMA

Mr. MCCONNELL. Mr. President, this week, the House unveiled its plan to repeal and replace ObamaCare and began consideration through the committee process. It is an important step toward keeping our promise to the American people. It not only repeals and replaces ObamaCare, it includes the most significant entitlement reform in a generation and provides needed tax relief to American families as well as healthcare consumers.

Here in the Senate, we can take another critical step toward stabilizing the healthcare market with consideration of the nominee to lead the Centers for Medicare and Medicaid Services, more commonly known as CMS. We have the opportunity today to advance an extremely qualified nominee to oversee some of our Nation's most important healthcare programs.

Seema Verma has a deep health policy background. She is a reformer with a proven record of success. Not only does she have an unparalleled grasp of the complex fiscal and policy challenges facing the agencies she will be charged with overseeing, she also understands the States and consumers she will be serving.

She will be the first to tell you that the sooner we can fulfill our promise to repeal and replace ObamaCare, the

sooner CMS can get out of the ObamaCare business and back into the Medicare and Medicaid business. She understands that ObamaCare's raiding of Medicare was wrong, and her experience in developing creative solutions will help protect Medicare for generations to come. She knows the burdens that ObamaCare placed on State Medicaid Programs remain unsustainable, and her experience in reforming and modernizing State-level Medicaid Programs will help lower the staggering costs that the Obama administration shifted onto the States.

Medicaid expansion has been devastating to Kentucky's State budget, costing Kentucky taxpayers nearly \$74 million this year. That is more than double the amount originally projected. Even worse, we have seen little improvement in health outcomes. The current system is too expensive and fails to address the real health problems in Kentucky.

Ms. Verma has been instrumental in helping States like mine navigate these incredibly difficult challenges. The proposed Medicaid waiver she helped craft for Kentucky, along with our Governor, if approved, is expected to ensure quality care for those who need it while saving Kentucky taxpayers more than \$360 million. So her expertise is going to be invaluable as we continue fulfilling our promise to the American people.

As we move to repeal and replace the unworkable, partisan ObamaCare law and return authority to the States, my hope is that Ms. Verma will be able to focus more time and attention than her recent predecessors to the core functions—the core functions—of the agency, which are strengthening Medicare and Medicaid. She is particularly well qualified to lead this agency. She has a proven record of success. She has the skill and the drive to make positive reforms too. I can hardly think of anyone better for the job.

I urge colleagues to join me in voting to advance her nomination later today.

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



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NOMINATION OF NEIL GORSUCH

Mr. McCONNELL. Mr. President, since his nomination to the Supreme Court was announced, Judge Neil Gorsuch has received extensive praise from former colleagues, the legal community, and editorial boards, among many others. It is praise that has come from across the political spectrum. Even many on the left can't help but compliment Judge Gorsuch's credentials, including former President Obama's own legal mentor, who called him "brilliant," and his former acting solicitor general, who applauded Gorsuch's "fairness and decency."

This week we add to that lengthy list of supporters more than 150 of Judge Gorsuch's former classmates at Columbia University. As they note, these alumni have followed an array of postgraduate pursuits: They are CEOs and stay-at-home parents, professors and lawyers, entrepreneurs and scientists. They come from different socioeconomic and ethnic backgrounds, practice different faiths, reside in different parts of our country, and hold very diverse political views.

Even so, each of these Columbia grads can agree on at least one thing: Neil Gorsuch's fitness to serve on the Supreme Court. Let me share the letter they just sent to the Judiciary Committee:

At Columbia, Neil Gorsuch notably distinguished himself among his peers. He was a serious and brilliant student who earned deep respect from teachers and students alike. With an encyclopedic knowledge on a staggering array of subjects, he could be counted on for his insightful, logical and well-reasoned comments. He carried a full and challenging course-load, finishing in three years and graduating Phi Beta Kappa.

The letter continues:

The hallmark of Neil Gorsuch's tenure at Columbia was his unflinching commitment to respectful and open dialogue on campus.

Despite an often contentious environment, Neil was a steadfast believer that we could disagree without being disagreeable. To be sure, he could deliver a devastating argument, laden with carefully researched facts and presented in a crisp and organized manner. Yet he was always a thoughtful and fair-minded listener who would not hesitate to re-evaluate his own beliefs when presented with persuasive arguments. His amiable nature, good humor and respect for differing viewpoints was admired and appreciated by all.

So it was clear even years ago that the "intellect, academic record, and character" of their classmate Neil Gorsuch was "so special"—"so special" that "there was a shared sense that he was poised for a meaningful and purposeful future."

How right they were. Neil Gorsuch is exceptionally qualified to serve on the Supreme Court. He has, as I just noted, an "encyclopedic knowledge on a staggering array of subjects . . . with insightful, logical and well-reasoned comments." He is a "humble man with no appetite for self-promotion." Let me say that again: a "humble man with no appetite for self-promotion." He is "an upstanding person" with "unyielding

integrity, faith in our institutions and unfailing politeness." These are the words of his former classmates, and they are the qualities we expect in a Supreme Court Justice.

Regardless of political leanings, we all should understand the importance of confirming Justices who will interpret the law as written, not misuse their office to impose their own views as to what, in their mind, should have been written instead. We should understand the importance of confirming Justices who will apply the law equally to all Americans, not rule based on their empathy—empathy—for certain groups over others.

I am confident that Judge Gorsuch is more than prepared to meet these critical standards. It is the type of judge he has been on the Federal court of appeals. It is the type of Justice he will be on the high Court as well. That is why we continue to see recommendations for Gorsuch flooding in from people of all backgrounds and all political views.

In the coming weeks, I am sure the support for Judge Gorsuch will continue to grow, and I know we are all eager to hear from the judge himself when he goes before the Judiciary Committee later this month. When he does, I hope colleagues on both sides will show him the fair—fair—consideration that he deserves, the same fair consideration we showed to all four of the Supreme Court nominees of President Obama and President Clinton after they were first elected—a respectful hearing followed by an up-or-down vote.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 57, which the clerk will report.

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 ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided in the usual form, and 30 minutes

of the majority time will be under the control of Senator BLUNT or his designee.

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I could speak for 5 minutes—

Mr. BLUNT. Mr. President, I am glad to yield my friend 5 minutes to start the day.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, I just want to comment very briefly on the comments of the Republican leader.

It was interesting when he said the courtesies that were extended to President Clinton and President Obama when it came to Supreme Court nominees; he left out 1 year—last year.

Last year, when there was a vacancy on the Supreme Court when Antonin Scalia passed away and President Obama sent the nomination of Merrick Garland to the floor of the Senate, it was refused by the Republican leader to even give him a hearing, let alone a vote. So there was an omission in his call for courtesy when it comes to Nominee Gorsuch, a very grievous omission from the point of American history.

For the first time in the history of the U.S. Senate—for the first time—Republican leaders in the Senate refused to give a hearing and a vote to a Supreme Court nominee sent by President Obama. Many of us came to this floor pleading that we follow tradition and the Constitution. I am going to stand by that. Even though I think Merrick Garland was treated poorly by the Republican majority, I believe that Neil Gorsuch is entitled to a hearing and a vote. I made that argument before; I will make it again.

REPUBLICAN HEALTHCARE BILL

Mr. President, the second point I want to make, and very briefly, is that we now have seen the Affordable Care Act repeal that has been brought forward by the Republicans in the House. We still do not know its fiscal impact. The Congressional Budget Office, which traditionally scores legislation, tells us the impact it will have both on the deficit as well as on the American economy. In this case, we believe we will learn as early as next week what that impact will be. There are several things we know for certain. The Republican approach to changing the Affordable Care Act is going to reduce health insurance coverage in America, and it is going to raise the cost.

The cost, incidentally, will be especially hurtful to those over the age of 55. If you are a senior citizen or over the age of 55, this Republican bill says that your health insurance premiums can be substantially increased. There is a limit in the current law that you can't have a disparity of more than 3 to 1 in premiums between people of different age groups. That is changed by the Republican bill to say that older people can be charged up to five times