



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, WEDNESDAY, MARCH 15, 2017

No. 45

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Our Father in Heaven, clothed in dazzling splendor, we bow our hearts in Your presence. You are our helper, our defender, and our refuge. You are our hope for years to come.

Strengthen our Senators for today's challenges. Direct their thoughts, words, and actions, enabling them to follow Your leading. Use them to transform dark yesterdays into bright tomorrows. Lord, give them peace during turbulent moments and a faith that will not shrink under pressure. Make their words fountains of life. Help them to understand what really matters so that they may live pure and blameless lives that glorify You.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, a few short months ago, our colleague Dan Coats retired from his post here in the Senate. At that time, I had a chance to reflect on our friend's im-

pressive career, and I noted that we could expect him to rise to the occasion if called to serve his country once again. Well, that is exactly what Dan Coats is doing now. This time he will be taking on the role of Director of National Intelligence. It goes without saying that the President made an excellent choice in selecting Dan for this job.

Our former colleague from Indiana has served his Nation in the Army, in the House of Representatives, as the Ambassador to Germany, and, of course, he has also served his State here in the Senate where he was a leader on issues regarding our national security and intelligence community. I look forward to the Senate confirming him today.

We are also working toward an opportunity to support another of the President's exceptional selections, LTG H.R. McMaster, his choice for National Security Advisor. The Chairman of the Armed Services Committee recently called him "an outstanding choice" and "a man of genuine intellect, character, and ability."

He will now be tasked with adapting his vast experience to the responsibility of coordinating our national security policy at a time when our Nation faces myriad threats and challenges. I know each of us appreciates the willingness of both former Senator Coats and General McMaster to take on these challenging positions and their continued efforts to keep our country safe.

Now onto another well-qualified nominee we will advance soon. Next week Judge Neil Gorsuch will come before the Senate Judiciary Committee for the hearing on his nomination to the Supreme Court. Senators from both sides of the aisle will have an opportunity to hear from him directly, ask questions, and listen to the testimony of others who are familiar with his professional background, abilities, and character.

I know we are all looking forward to his hearing and to learning even more about this exceptional nominee, but here is what we already know about Judge Gorsuch. The American Bar Association is an organization that the Democratic leader and former Democratic chairman of the Judiciary Committee have deemed the gold standard for evaluating judicial nominations. What have they done? They awarded him their highest rating: unanimously "well qualified."

Leading liberal lawyers like former President Obama's Acting Solicitor General, Neal Katyal, and former President Obama's legal mentor, Professor Laurence Tribe, sing his praises. Mr. Katyal says Judge Gorsuch is "an extraordinary judge and man" whose "years on the bench reveal a commitment to judicial independence." Professor Tribe says that Judge Gorsuch "is a brilliant, terrific guy who would do the Court's work with distinction."

To that list, you can now add former law partner and longtime Democrat, David Frederick, who is a board member of the liberal American Constitution Society. Other board members of the ACS include people like former Obama Solicitor General Donald Verrilli, and left-leaning law professor Erwin Chemerinsky, among others.

The ACS is anything but a conservative group. Yet now, even one of its own board members has backed Judge Gorsuch's nomination. In an op-ed recently published by the Washington Post, Mr. Frederick called Judge Gorsuch "brilliant, diligent, open-minded and thoughtful." He went on to say:

Gorsuch's approach to resolving legal problems as a lawyer and judge embodies a reverence for our country's values and legal system. The facts developed in a case matter to him; the legal rules established by legislatures and through precedent deserve deep respect; and the importance of treating litigants, counsel and colleagues with civility is deeply ingrained in him.

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



Printed on recycled paper.

S1809

Mr. Frederick, who practiced law with Judge Gorsuch, states:

Over the course of his career, [Neil Gorsuch] has represented both plaintiffs and defendants. He has defended large corporations, but also sued them. He has advocated for the Chamber of Commerce, but also filed (and prevailed with) class actions on behalf of consumers. We should applaud such independence of mind and spirit in Supreme Court nominees.

And Mr. Frederick observes:

As a judge on the U.S. Court of Appeals for the 10th Circuit, Gorsuch has not been the reflexive, hard-edged conservative as many depict him to be. He has ruled for plaintiffs and for defendants; for those accused of crimes as well as for law enforcement; for those who entered the country illegally; and for those harmed by environmental damage.

As this self-proclaimed “longtime supporter of Democratic candidates and progressive causes” points out, Judge Gorsuch will be the type of Justice each of us should want on the High Court. And though he knows he may not always agree with Neil Gorsuch’s rulings as a jurist on the Supreme Court, Frederick says we need judges like Neil Gorsuch “who approach cases with fairness and intellectual rigor, and who care about precedent and the limits of their roles as judges.”

The bottom line is this: “The Senate should confirm him because there is no principled reason to vote no.” Let me repeat that. “The Senate should confirm [Gorsuch],” Frederick said, “because there is no principled reason to vote no.” This is a board member of the left’s flagship legal group in America, and on this point, he happens to be absolutely right.

So as colleagues on both sides will continue to find at next week’s hearings, “there is [simply] no principled reason to vote no” when Judge Gorsuch’s nomination comes before the full Senate.

REPUBLICAN HEALTHCARE BILL

Mr. McCONNELL. Mr. President, one final matter: Last year, President Obama said his signature healthcare law had “real problems.” He recognized that there are “people who are hurt by premium increases or a lack of competition and choice.” President Clinton called it “the craziest thing in the world.” And the Democratic Governor of Minnesota said that “the Affordable Care Act was no longer affordable for increasing numbers of people.” So even Democrats recognize that the ObamaCare status quo is unacceptable.

Costs have continued to climb higher. Insurers have dropped out of the marketplace. ObamaCare is a disaster, and it is going to keep getting worse unless we act. My home State of Kentucky, like so many others across the country, just can’t take it anymore.

Republicans promised the American people relief from ObamaCare, and we are working hard to keep that promise. The legislation the House introduced to repeal and replace is already moving through the committee process.

Here are some things the Congressional Budget Office said about it: It will lower premiums by double digits. It will help stabilize the healthcare market. It will significantly reduce taxes on families and lower the deficit by hundreds of billions of dollars as well. These are the things we heard from CBO.

Instead of forcing Americans to buy something they may not want as ObamaCare does, it will actually give Americans the freedom to choose the type of coverage that is right for them. I appreciate the hard work the House is doing to advance this legislation. We look forward to receiving it here in the Senate. When we do, I expect to consider amendments as part of our robust debate.

But remember, this bill is only one part of a three-pronged strategy to help bring relief to the American people. The first prong is this bill, the second prong is executive action, and prong three is more legislation to reform the healthcare market and make it more competitive for consumers.

The one thing we shouldn’t do is nothing. ObamaCare is a failed law that is hurting the middle class. Maintaining the current ObamaCare status quo is really not a good option.

We are fulfilling our promise to the American people, and I urge all of our colleagues to join us.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TRUMPCARE

Mr. SCHUMER. Mr. President, first, on the Republican healthcare bill, my good friend the Republican leader says that there should be amendments on the floor. On such an important matter, it would be astounding if we didn’t have committee hearings and committee votes on such a bill. I know there is an attempt to rush it through, but if it is such a fine product, it ought to withstand the scrutiny of hearings and of markups in the various committees. To rush it through is an indication that the sponsors of the bill, the supporters of the bill, are not very proud of it, and that is a theme that has continued with the executive branch and the Speaker of the House.

As we know, CBO estimated that it would cause 24 million fewer Americans to have health insurance—I don’t hear the Republican leader mention that, of course—while raising premiums in the short term and jacking up the price of healthcare for older Americans.

We have heard from the other side of the aisle that access is what is important. No, it isn’t. Access doesn’t get you healthcare. I have access to walk into a Lamborghini dealer and look at a Lamborghini, but I can’t afford one. That is true of average Americans, and

that is true of healthcare as well. Access doesn’t get you healthcare, and it is a far cry from what people need.

Because the bill helps so many fewer Americans, because the bill seems to be a tax break for the wealthy above all, it is having its trouble, and nobody seems to really want to embrace it. That is why Republicans on both ends of Pennsylvania Avenue don’t want their name near any end of the bill.

As I said yesterday, Speaker RYAN doesn’t want to call it RyanCare, even though he wrote the bill. President Trump doesn’t want to call it TrumpCare. If it is so good, why doesn’t any Republican want to put their name on it? It is Abbott and Costello: You put your name on it; no, you put your name on it. That is not an indication that people are proud of this legislation, and it is particularly ironic with President Trump. President Trump slaps his name on buildings, ties, steaks, hotels, and golf clubs, but not on a bill that he supports in his daily tweets. He has spent 30 years of his business career trying to put his name on nearly everything, but not this healthcare bill, even though he is inviting wary Republicans to the White House to try and sell them on it.

Today his Vice President is here on the Hill lobbying recalcitrant Republicans. He has dispatched HHS Secretary Price, the person he picked, to lobby for the bill. His own Press Secretary says the White House is in full sale mode. Make no mistake about it, this is the President’s bill, and he should be straight with the American people about it. We call it TrumpCare. That is what it is.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, next week the Senate Judiciary Committee will begin its hearing on President Trump’s nominee to the Supreme Court, Judge Neil Gorsuch. As I have said before, we in the Senate have a special responsibility to judge whether this nominee, Judge Gorsuch, will tip the scales on the Court in favor of Big Business and powerful special interests over average Americans. The Court has steadily been moving in that direction under Justice Roberts.

My colleague SHELDON WHITEHOUSE and the ranking member of the Judiciary Committee, Senator FEINSTEIN, have documented in 5-to-4 cases that the Court, over the last decade, has almost always tilted in favor of the powerful and against those who are average Americans. In fact, the Court under Justice Roberts has been judged the most pro-corporate Court since World War II. So this country can ill afford another Justice who will side with the powerful.

Judge Gorsuch may act like a studied, neutral judge, but his record suggests he actually has a rightwing, pro-corporate, special interest agenda. In today’s New York Times, this morning we learned that Judge Gorsuch’s career