

for expensive insurance that many people found actually wasn't insurance they could use, even though they were forced to buy it. For 7 years, Americans have suffered under the consequences of that decision by this body and by the former President.

Less than 7 weeks into the Trump administration, Republicans introduced a plan to give Americans real healthcare reform. The American people know that ObamaCare has been a disaster, one broken promise after another. I hear about this every weekend when I am home in Wyoming. I heard about it this past weekend. There is now only one insurance company that is willing to offer ObamaCare coverage in my entire State. There are 1,000 counties all across the country in the same situation—only one option. This is not a marketplace; it is a monopoly.

As a doctor who has practiced medicine for 25 years, I can tell you that when it comes to healthcare, the last thing patients want to hear is that they don't have a choice: It is this or nothing. That is why Republicans promised we were going to repeal the restrictions in ObamaCare that limit people's choices. We promised to give people options, not mandates. The healthcare bill we are debating now is the first step to keeping that promise.

The bill starts to give people more choices so they can pick what is right for them and for their families. I want to talk about three ways that it does this.

First, the bill removes the mandates. It ends both the individual and the employer mandates. It eliminates the penalties that hard-working families have to pay if they decide that overpriced ObamaCare insurance isn't right for them. This was one of the most outrageous and unfair parts of the healthcare law. These mandates will be gone.

Second, the bill that the House is considering cuts taxes. It gets rid of the ObamaCare tax on prescription drugs. It gets rid of the ObamaCare tax on health insurance. It gets rid of the taxes on artificial appliances, such as pacemakers and artificial joints. Overall, the bill eliminates 15 different taxes. These taxes are obviously passed on to consumers; repealing them helps to bring down the cost of care.

Third, the repeal bill creates options for people and for States. It encourages people to find creative ways to help make healthcare costs more affordable for them. It expands how people can use health savings accounts, which is a great option for many people. It helps States do innovative things, such as create high risk pools to bring down costs for everybody. It gives States more flexibility when it comes to Medicaid Programs.

Let's face it: Medicaid is broken, and ObamaCare just threw more people onto this second-class health insurance. Just last week, we got evidence of how badly Medicaid is harming patients. The chief executive at the Mayo

Clinic said in his speech that his hospital is going to give precedence to people with private insurance over people on Medicaid. The supporters of ObamaCare said that their biggest success is the number of people who got coverage by being put into Medicaid. Well, it is clear that many of these people are being harmed by being in Medicaid, a system that has been broken for decades. It is alarming and it is also appalling.

We have to fundamentally reform the Medicaid Program. To do that, we have to give States more options for coming up with the reforms that work for them and for the people who live in those States. Every State is different, and a one-size-fits-all mandate from Washington will never work for all of the States all across the country. Democrats tried it, and it failed dramatically.

ObamaCare is collapsing all around us. We have to do something, and we have to start now. In the next couple of months, insurance companies are going to start making decisions about what they are going to do for next year, 2018. They will be figuring out how much they want to charge and whether they want to be involved in the ObamaCare exchanges at all. People have been losing their coverage and losing choices ever since the Democrats wrote the healthcare law and the President signed it 7 years ago. I believe it is going to get worse every day that we delay.

There are Democrats who don't really seem to care much about any of that. They would rather set the whole healthcare system on a path to fall apart completely before they will ever admit that they were wrong. Hard-working Americans and families across the country don't have that luxury. There are still 25 million Americans without insurance even 7 years after ObamaCare has been in place. Every year, people have gotten letters in the mail telling them that their plans have been canceled. That is the reality of ObamaCare. Democrats want to pretend that everything is fine, but that is absolutely not true.

That is why it is so important that President Trump jumped in right away to take important steps to help stabilize the marketplace. He recognized what Democrats won't admit—that these ObamaCare markets are falling apart. So the President has already started doing what he can to stabilize the markets, to make sure people keep their options for health coverage. The Department of Health and Human Services has taken steps to preserve programs that ObamaCare tried to eliminate. These are plans that people already had and they liked and the law tried to say they could no longer exist. The Trump administration has said people can continue on those plans. The administration also tightened up some of the rules to make sure people actually pay the premiums for this year's insurance before they are al-

lowed to sign up for next year. The administration is taking commonsense steps that will make it harder for people to game the system and that will lower the cost for everyone else. These are important steps. The administration is going to be doing a lot more to protect families and to create more options.

This repeal bill isn't perfect; nobody says it is. Still, it is a monumental shift away from ObamaCare. The American people will be better off with this repeal plan. They will be better off with the additional reforms that we will continue to push after this bill.

I hope that Democrats will join us and offer their own ideas about what these additional reforms will look like. I hope they realize that families are better off when they have more choices, not fewer. We are better off when people can decide what is better for them and their families, not when government tells them what to do. We are better off when healthcare decisions are left to patients and doctors, not to Washington bureaucrats and insurance companies. We are better off when people have freedom and options, not mandates and penalties.

America needs healthcare reform. What we had before ObamaCare wasn't working; I saw that as a doctor. What we have now isn't working, either. It is time for everyone to admit that and to take this opportunity to start repairing the damage, start creating real reform. As Ronald Reagan said: It is better to get 80 percent of what you want rather than go over the cliff with a flag flying. The American people are asking for our help, and we cannot turn our backs on them now.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nominations of Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2021; and Danny C. Reeves, of Kentucky, to be a

Member of the United States Sentencing Commission for a term expiring October 31, 2019.

Mr. LEAHY. Mr. President, today the Senate will vote on two nominees to the U.S. Sentencing Commission who should have been confirmed last year. Judge Danny Reeves was nominated more than 1 year ago, and he was unanimously reported by the Judiciary Committee; yet Senate Republicans refused to approve him before the end of last year. Judge Charles Breyer was nominated last September for a reappointment, and despite overwhelming support, Republicans blocked him as well. These are not controversial nominees, and there is no good reason they were blocked last year. In fact, in ordinary times, these nominees would be unanimously confirmed during wrap-up on the Senate floor.

RICHARD BOULWARE

Mr. President, one nominee we are not considering today is Judge Richard Boulware, whom President Obama nominated in 2015 to fill a seat on the Sentencing Commission previously held by Judge Ketanji Brown Jackson. Judge Boulware was confirmed to serve as a district judge in June 2014, becoming the first African-American man to serve on the U.S. District Court for the District of Nevada. His nomination to the Sentencing Commission had the strong support of the Leadership Conference on Civil and Human Rights, which said that Judge Boulware would “bring a much needed and valuable perspective to the work of the Commission because of his experience.” Judge Boulware clerked in the Southern District of New York, served as a Federal public defender, and represented the Las Vegas branch of the NAACP on a range of issues, including voting rights, police cameras, and solitary confinement.

Despite his clear qualifications, Senate Republicans blocked Judge Boulware, and his nomination was returned to the White House at the end of last year. President Trump renominated Judge Reeves and Judge Breyer, but I am disappointed that he failed to do the same for Judge Boulware. The Sentencing Commission does not have a single person of Color serving as a commissioner; yet its work on criminal justice issues has a significant effect on communities of color. Judge Boulware should have been confirmed last year, along with Judge Reeves and Judge Breyer. While I support the two nominees before us today, I want the RECORD to note my deep disappointment and concern that Judge Boulware is not among them.

For nearly a decade, I have worked with Senators from both parties on bipartisan legislation to reform our criminal justice system. The Sentencing Commission has also studied the issue and brought about needed change to the sentencing guidelines. The Bureau of Prisons continues to consume nearly a quarter of the Jus-

tice Department's budget, even as violent crime rates have gone down; but instead of taking meaningful steps to reduce these costs, the Trump-Sessions Justice Department has signaled it intends to more aggressively charge low-level offenders with crimes carrying mandatory minimums. The Attorney General also lifted restrictions on the use of private prisons that serve only the interest of wealthy corporations. This is deeply troubling on moral grounds. Incarceration should not be a for-profit business. It is also troubling to me in my role as vice chairman of the Appropriations Committee. Instead of wasting taxpayer dollars on private prisons, we should be directing our limited resources to train and protect officers on the streets and to reduce recidivism and crime.

The Sentencing Commission has brought much-needed fairness to the Guidelines in the past, and I hope it will continue to do so once its new members are confirmed. Although we should also be voting today on Judge Boulware's nomination to the commission—rather, we should have voted on it last year—I will support the nominations of Judge Breyer and Judge Reeves.

BREYER NOMINATION

Mrs. FEINSTEIN. Mr. President, I rise in strong support of Judge Charles Breyer's reappointment to the U.S. Sentencing Commission.

Judge Breyer earned his bachelor's degree cum laude from Harvard University in 1963 and his law degree from the University of California, Berkeley Law School in 1966.

In 1997, Judge Breyer was nominated by President Clinton to a seat on the U.S. District Court for the Northern District of California. Judge Breyer was confirmed by the U.S. Senate that same year by voice vote.

On the bench, Judge Breyer has served with distinction. He has done the hard work of sentencing individuals to prison terms. He has also focused on sentencing issues outside the courtroom, testifying before the Sentencing Commission in 2009 and serving as chair of a Ninth Circuit Committee evaluating the impact of the Supreme Court's decisions in *Blakely v. Washington*, 2004, and *United States v. Booker*, 2005, on sentencing.

In 2011, Judge Breyer took senior status, and the following year, he was nominated by President Obama to serve on the Sentencing Commission. Judge Breyer became the commission's vice chair in 2013.

The Sentencing Commission is an independent agency charged with establishing sentencing guidelines for the Federal court system. The commission's work is important. It is responsible for advising and assisting Congress and the Executive branch in the development of effective and efficient crime policy. The commission also collects, analyzes, researches, and distributes a broad array of information on Federal crime and sentencing issues

and serves as a resource for Congress, the Executive branch, the Judiciary, practitioners, academics, and the public.

Since the start of the 115th Congress, the Sentencing Commission has been unable to do its work because it has been with only two commissioners. By statute, the commission requires a quorum of at least four commissioners.

For this reason, it is vitally important that Judge Breyer is confirmed once again to serve on the commission. Judge Breyer is a man of distinction and integrity. He has a long history of dedicated service to this country and an impeccable record of fairness. The commission really needs his continued leadership.

Today I urge my colleagues to support Judge Breyer's nomination.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the question is, Will the Senate advise and consent to the Breyer and Reeves nominations en bloc?

Mr. BARRASSO. Mr. President, 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: The Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 91 Ex.]

YEAS—98

Alexander	Flake	Nelson
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Harris	Risch
Boozman	Hassan	Roberts
Brown	Hatch	Rounds
Burr	Heinrich	Rubio
Cantwell	Heitkamp	Sanders
Capito	Heller	Sasse
Cardin	Hirono	Schatz
Carper	Hoeven	Schumer
Casey	Johnson	Scott
Cassidy	Kaine	Shaheen
Cochran	Kennedy	Shelby
Collins	King	Stabenow
Coons	Klobuchar	Strange
Corker	Lankford	Sullivan
Cornyn	Leahy	Tester
Cortez Masto	Lee	Thune
Cotton	Manchin	Tillis
Crapo	Markey	Toomey
Cruz	McCain	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murphy	Young
Fischer	Murray	

NOT VOTING—2

Inhofe Isakson

The nominations were confirmed en bloc.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Kansas.

#### ORDER OF PROCEDURE

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate resume legislative session and then recess until 2:15 p.m. for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

The PRESIDING OFFICER. The majority leader.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE OF THE DEPARTMENT OF THE INTERIOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 69.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 69, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska."

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

The motion was agreed to.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE OF THE DEPARTMENT OF THE INTERIOR

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

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska."

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I rise to encourage my colleagues to rescind a recently promulgated regulation by the Obama administration and to support the corresponding resolution of disapproval that the majority leader just brought up and that we unanimously moved forward to debate, H.J. Res. 69.

There are few, if any, people in the world who love their lands and wildlife more than Alaskans. In Alaska, our land is the lifeblood that sustains us, that feeds our bodies, our families, and our souls. It is a deep and enduring part of our culture.

Our hunting traditions are very much alive in Alaska. Alaskans hunt for food for cultural reasons and even for survival. There are people in my State whose families have called our beautiful and rugged lands home for thousands of years, living side-by-side with more recent arrivals. Alaska has also the well-earned reputation of having one of the best managed, most sustainable fish and game populations anywhere in America or anywhere in the world, for that matter. We have an abundance of wildlife that most States and most countries can only dream of. We do this year after year, generation after generation, through rigorous scientific processes that allow and encourage public participation through our Board of Game, Board of Fisheries, and our Fish and Game Department to make sure we manage our fish and game for sustainability, as required by the Alaska constitution, and that we take into account the needs of our citizens—the needs of Alaskans. It is not an easy process. It can be contentious, but all Alaskans take this very seriously.

In Alaska, we respect the land and everything in it. That special connection and our ability to manage our own lands and resources was explicitly recognized in Federal law when Alaska became a State. The Alaska Statehood Act passed in this body in 1958, specifically granting Alaska the authority to manage fish and wildlife on not only State lands but on Federal lands, unless Congress passes a law to the contrary. By the way, that is the same authority granted to all States. It is granted to Ohio, New Mexico—all States in America have this authority.

Further, in 1980, this body, the Congress of the United States, passed the Alaska National Interest Lands Conservation Act, designating 100 million acres of land, in my great State, as Federal conservation units, including over 70 million acres—I believe larger than the State of New Mexico—as wildlife refuges in one State.

Many Alaskans didn't like this bill. Several saw this as a massive Federal usurpation of our land, but our congressional delegation fought to include explicit provisions in this Federal law that made it abundantly clear that the State of Alaska still had primacy in managing fish and game throughout the entire State—State lands and Federal lands.

When that act was passed, it explicitly stated: "Nothing in this act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for the management of fish and wildlife on public lands. . . ."

That is pretty clear language, and it is very important language to Alaskans. ANILCA is the statute we are talking about, and that is what we call it in Alaska. That Federal law that passed in 1980 made numerous other commitments to Alaskans about how the Federal Government would not usurp the power of the State or our citizens to live the life we have in Alaska. How quickly the Feds forget. How quickly the Feds forget what this law requires.

On August 5, 2016, the Obama administration's Fish and Wildlife Service finalized a rule that, No. 1, restricted certain State-approved fish and game management practices; No. 2, limited public input in the wildlife management process; and, No. 3, expanded closure procedures on refuges in Alaska, making it easier to keep people shut out of these Federal lands in our State.

This rule is not based on sound science. Thousands of Alaskans and other Americans opposed it, tried to work with the Feds to get them to moderate it or rescind it, to no avail. It is not based on established wildlife management principles, and it is certainly not based on Federal law. The Fish and Wildlife Service didn't take this action because Alaska's sustainable and abundant populations of fish and game or their habitats were being threatened; it took this action because it wanted to control Alaska's fish and wildlife and because it subjectively disapproved of the way Alaska's game was being managed by our Department of Fish and Game and by the Alaska Board of Game, but the Federal Fish and Wildlife Service does not have this authority.

To make this clear, we are proceeding today with this resolution of disapproval under the Congressional Review Act, H.J. Res. 69, to rescind that August 5 Obama Fish and Wildlife Service rule.

The House has already passed this measure under Congressman DON YOUNG's leadership. So I want to encourage all of my colleagues, Democrats and Republicans, to vote in favor of this resolution. It is backed by the force of law, the principles of federalism, and respect for the Alaskan Native people who have been hunting and fishing, subsisting off the land in Alaska for generations. It is also supported by millions of Americans across the country and wildlife professionals in every State in the Union who are committed to the conservation of the abundant species of wildlife in my home State and in theirs.

Why should my colleagues support rescinding this Fish and Wildlife Service regulation? Well, first and foremost, as I have already mentioned, it clearly usurps power from the States