



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, MONDAY, MAY 22, 2017

No. 88

Senate

The Senate met at 3 p.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.

Eternal God, our hearts rise up to meet You as the day rises to meet the Sun. Humble our lawmakers in Your presence that they may delight in the power You provide. Help them to remember that before honor comes humility. Give them also the wisdom to know that their sufficiency comes from You.

Lord, teach them Your wisdom as You infuse them with the spirit of reverence for You. May they make the commitment to faithfully serve You and country with their whole hearts.

We pray in Your great 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

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 pro-

ceed to executive session to resume consideration of the Branstad nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Terry Branstad, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, since last week's all-Senators briefing with Deputy Attorney General Rod Rosenstein, some of my friends on the other side of the aisle have alleged that his appointment of a special counsel impedes the congressional investigation into Russian interference in our elections and whether the Trump campaign was involved. Nothing could be further from the truth.

The executive branch investigation under the special counsel looks at criminal wrongdoing. The congressional investigation takes a broader approach. The two can proceed on parallel tracks, as has happened many times in the past. If anything the congressional investigation is doing potentially interferes with the special counsel's activities, the two parties will discuss it. It is a process called deconfliction. They know how to do it. They have done it before. There is no reason whatsoever for the congressional investigation to slow down or stop.

Mr. Mueller's appointment as special counsel in no way diminishes the need for Congress to play an active role in helping to get to the bottom of all the recent events. Let me repeat. This is our solemn constitutional duty, the very bedrock of the separation of powers and coequal branches of government designed by our Founding Fa-

thers to preserve something we all cherish: American liberty and American democracy. Let me outline three things that should happen.

First, Intelligence Committee Chair BURR and Ranking Member WARNER should continue to pursue their committee's investigation into these matters with just as much vigor. That investigation has been proceeding in a bipartisan way, and it absolutely should continue as such. For example, my friends Senators BURR and WARNER have recently requested financial records of key Trump campaign officials from the Treasury Department. They should be given that information and continue to pursue whatever other avenues they view as helpful to the committee's investigation.

Second, Mr. Comey should testify in both the Judiciary and the Intelligence Committees to discuss the events surrounding his dismissal. The committees should be given access to memos he reportedly drafted following interactions with President Trump, and Congress should also be provided any transcripts or tapes the White House might have of Mr. Comey's conversations with President Trump.

Third, the Intelligence Committee must be provided the details of transcripts relating to President Trump's reported disclosure of information to the Russian Foreign Minister and Ambassador. There is a great deal of dispute about what was said at that meeting. The committee should have access to both Mr. Comey's notes and the White House's notes.

Finally, the Senate must demand the next FBI Director be nonpartisan, independent, fearless, and of unimpeachable integrity, just as Mr. Mueller is. A career politician of either party or anyone who suggests a lack of impartiality should not be considered a fit choice for that office. Every one of these, by the way, deals with congressional oversight—some directly, like the appointment of an FBI Director; some a little

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



Printed on recycled paper.

S3051

more indirectly, such as figuring out what exactly was said in the room with the Russian Foreign Minister and Ambassador, but all of it is clearly within what the Constitution requires and the Founding Fathers wanted Congress to be. So the congressional committees have really an obligation to our democracy to continue their role.

HEALTHCARE

Mr. President, on another matter—healthcare. Today, the Trump administration delayed for another 90 days their decision on whether to defend the administration's position in a lawsuit filed by the House Republicans about the cost-sharing payments in the Affordable Care Act. It is a decision that greatly increases the uncertainty in our healthcare system.

The cost-sharing program keeps healthcare costs low for working Americans and helps insurers stay in the marketplace, giving Americans more choices. It keeps the average person's premiums down, keeps their deductibles low. It makes it a lot easier for many working Americans to afford healthcare. That was its purpose, and it is succeeding in its purpose, but by continuing to sow uncertainty about this program, both by refusing to defend the lawsuit and by making outright threats to end it, the Trump administration has already caused insurers to flee the marketplace or propose rate increases for the next year. Let me repeat. Right now, the Trump administration's actions are sowing great uncertainty that causes insurers to pull out of States and increase their costs, making it more likely that working Americans won't be able to afford coverage next year.

A spokesperson for America's Health Insurance Plans, AHIP, the industry's main trade group, said the following, and this is their quote, not mine:

We need swift action and long-term certainty on [the cost-sharing program]. It is the single most destabilizing factor in the individual market, and millions of Americans could soon feel the impact of fewer choices, higher costs and reduced access to care.

The insurance industry itself is saying that the No. 1 thing that could be done to keep costs down, to keep other insurers in the marketplace, is to make permanent cost sharing.

President Trump's attempt to blame what is happening on ObamaCare is totally contradicted by what the health insurance plans say when it comes to cost sharing. So refusing to guarantee the cost-sharing payments is sabotage, plain and simple, and the Trump administration knows it.

The administration made the last cost-sharing payment but refuses to say they will continue to make them permanently. They know they will get blamed for the chaos that would ensue should they end these payments. They are afraid to do that. But they also want to threaten the stability of the healthcare system in order to get Democrats to work with them on their healthcare bill. So what they tried to

do is have their cake and eat it too. They said: We are going to delay the lawsuit, but we are still going to have that uncertainty that hurts Americans out there. That is profoundly irresponsible.

Threatening to defund healthcare in order to win political leverage is hostage-taking at its very worst because it holds hostage millions of innocent Americans who very much need healthcare costs to be lower and affordable. It is already causing massive uncertainty. It will only get worse if the administration continues to kick the can down the road 3 months at a time.

There is one very simple solution: Instead of delaying the decision every 3 months, the White House ought to step up to the plate and say once and for all that they will make those payments permanently—payments which help millions of Americans pay less for their healthcare, payments which the insurance industry itself says would help stabilize markets and help people gain healthcare.

THE PRESIDENT'S BUDGET

Next, Mr. President, on the budget, the President of the United States will release his budget for 2018 this week. It could come as early as tomorrow. All indications are that it will be similar to his skinny budget from earlier this year. I want to remind everyone here in the Senate what a disaster that budget would be if it were ever implemented by Congress.

The President told the American people he would help create jobs and provide greater economic security for families. This budget does exactly the opposite. It is not a jobs budget. It is not an economic security budget. It is a budget that takes a meat cleaver to the middle class by gutting programs that help them the most, including many that create jobs and power the economy. Transportation is cut. Education is cut. Programs that promote scientific and medical research are cut. Programs that protect clean air and clean water are cut. All of these programs are favored by the American people. They have been favored by a vast majority of my Republican friends across the aisle. But the President's budget is an outlier, way out there. It fits with Mr. Mulvaney's beliefs, but he was an outlier in the Congress when he called for the government to be shut down and when he wanted to have the government play so little a role in helping the middle class. That is harmful to America.

Here is another one that really is worrisome: Recent reports say that the President's budget will target Medicaid for significant cuts—as large or larger than the \$880 billion the House Republicans would cut in their TrumpCare bill. This would pull the rug out from so many Americans who need help—those suffering from opioid and heroin addiction, people in nursing homes and their families who care for them, the elderly, the disabled, and children.

Medicaid has become a middle-class program. Opioid addiction. What about

a 40- or 50-year-old couple who is trying to raise their kids, saving for college, and has a parent who needs to be in a nursing home. Right now, Medicaid pays for it. What are they going to do when that is cut? They have two choices: Shell a huge amount of money out of their own pockets, which they can't afford, or maybe bring mom or dad back home, where there may be no room for them. What a horrible choice. What a horrible choice. Well, that is what the President is proposing to do when he dramatically slashes Medicaid.

I will repeat. Medicaid helps the very poor, but it also helps the middle class, and the majority of its money now seems to go to the middle class. I believe something like 60 percent goes to nursing homes or some high percentage like that.

The Congressional Budget Office estimates that a cut to Medicaid of this size would deprive roughly 10 million Americans of Medicaid benefits over the next decade. Medicaid has always benefited the poor, and that is a good thing, but I remind my colleagues that it has increasingly become a middle-class program. Here is where it goes: Medicaid provides benefits for 60 percent of Americans in nursing homes.

Listen to this, Mr. President and my colleagues: Medicaid helps 1.75 million veterans—1 in 10. It provides services for Americans struggling with opioid addiction, which is a problem that affects so many.

If the reporting is accurate, these cuts to Medicaid that are in the President's budget carry a staggering human cost. Once again, Donald Trump is breaking his promise to the working people of America.

We have seen promise after promise broken as if they did not even matter. What he said in the campaign and what he governs as has almost no overlap in so many areas. Here is what Candidate Trump said when he campaigned: "I'm not going to cut Social Security like every other Republican and I'm not going to cut Medicare or Medicaid." He promised he would help take care of those suffering from opioid addiction. If he cuts Medicaid, he is breaking that promise—boom—right in half.

Candidate Trump campaigned as a populist and said he wanted to help the working people, but since he has taken office, he has governed like a hard-right conservative, pushing policies that help the uber-wealthy at the expense of the middle class. TrumpCare and the budget the President will be proposing tomorrow says one thing and does another.

Many of my Republican friends come from States that have significantly expanded their Medicaid Programs over the past few years, insuring hundreds of thousands, sometimes millions of their constituents.

Based on what we know about this budget, the good news—the only good news—is that it is likely to be roundly rejected by Members of both parties