



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, WEDNESDAY, MAY 24, 2017

No. 90

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Gracious and loving God, You continue to give us reasons for rejoicing in Your love and grace. We praise You for the beauty of the sunrise and the glory of the sunset.

Today, guide our lawmakers with Your wisdom and love, empowering them to strengthen men and women on life's journey. Lord, help our Senators to remember that nothing is impossible for You, for Your grace and might hold the galaxies in place.

Lord, we are grateful for Your presence in this Chamber, our Nation, and our world. Use us all for Your glory and for the good of those in need. Continue to do in our lives exceedingly, abundantly, above all that we can ask or imagine.

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, May 24, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

HEALTHCARE LEGISLATION

Mr. MCCONNELL. Mr. President, a new report released last night from the Department of Health and Human Services reveals startling new numbers showing just how substantial premium increases have been under ObamaCare. According to that report, average annual ObamaCare premiums have increased by nearly \$3,000 since 2013, the year that most of the healthcare law's mandates and regulations actually went into effect. In other words, it is now clear that average ObamaCare plans on the exchanges more than doubled from 2013 until now. That is an increase of 105 percent, or nearly \$3,000. These figures are based on the Obama administration's own data, but these exorbitant costs are just one part of the problem, to say nothing of the shrinking choices of insurers offering plans on the ObamaCare exchanges across the country.

Last week, our colleague from Iowa, Chairman GRASSLEY, came to the floor and shared with us the story of the Tacoma Narrows Bridge, a bridge in Washington State that was, as he put it, "set to fail from the very beginning." He told us how the bridge was

built on a "flawed design," how it "self-destructed," and how it eventually "collapsed." Much like that bridge, he said, ObamaCare is becoming "its own bridge to nowhere with no insurance plan on its exchanges." Boy, he is right about that.

As time goes on, more Americans are finding themselves with fewer ObamaCare insurance options to choose from on the exchanges. Take a look at the map behind me, and you will see what I mean. On this map: Fewer choices: Number of insurers on the ObamaCare exchanges in 2017. What does it reflect?

In more than 1,000 counties across 26 States, families have only 1—just 1—ObamaCare option to choose from in the marketplace. ObamaCare customers in five States have only one insurer left on the exchanges. As a recent article predicted, "insurer choice in the ACA marketplace could hit an all-time low" next year in 2018.

Let that sink in for a minute. Families across the country could experience "an all-time low" when it comes to their choices for ObamaCare plans next year. In other words, things are likely to only get worse. Still, despite all the news reports and the studies and the personal stories shared by constituents, some of our colleagues simply refuse to face the realities of this failed law.

Consider what we saw just yesterday, when a group of Democratic Senators held a press conference, essentially advocating for the ObamaCare status quo in rural America. But in case our friends missed it, I want to share a recent headline that reveals what ObamaCare's status quo has actually meant for families in these regions of the country. Here is what it read: "Rural Shoppers Face Slim Choices, Steep Premiums On Exchanges."

The article went on to cite a study showing that ObamaCare customers living in less populous areas of the country in 2017 "frequently had just

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



Printed on recycled paper.

S3103

one or two insurers from which to pick, and often faced significantly higher premiums than did people in more urban areas.”

Much like that dilapidated bridge Chairman GRASSLEY described, ObamaCare is self-destructing all around us. We know things are likely to get worse unless we move beyond the failures of ObamaCare. In his home State of Iowa, more than 70,000 people are facing the harsh reality that they may be left with absolutely no options—none—on the ObamaCare individual market—zero.

Many Virginians recently learned they could also have fewer choices on the ObamaCare exchanges next year. In fact, people in 27 of the State’s 95 counties could have just one option for coverage through the ObamaCare marketplace in 2018. Tennesseans in 16 counties are in a similarly distressing situation, as they, too, are likely to have just one choice when it comes to signing up for insurance through the ObamaCare exchanges next year.

So these are just the latest developments in ObamaCare’s dwindling options, which over the years have continuously pushed too many people off their plan and left them with fewer choices. Take one Knoxville, TN, woman who recounted her experience in a recent news article. In 2015, she signed up for an ObamaCare plan with one major insurer, but by the end of the year, that company pulled out of the marketplace, leaving her to find a new plan. In 2016, she was forced to sign up for an ObamaCare plan with another insurer. Again, at the end of the year, that company left the marketplace, as well. Now in 2017, she signed up with yet another ObamaCare plan with yet another insurer, and—you guessed it—at the end of this year, that insurance company will also exit the ObamaCare marketplace, leaving the Tennessee mom to find an alternative option one more time. Unfortunately, her story is not unique. As insurers on the exchanges continue to propose premium increases and announce their intentions for participation next year, we can expect even more troubling news to roll in.

These families deserve relief from ObamaCare—a failing law with limited, even nonexistent, choices that continue to shrink on the collapsing marketplace.

These families deserve relief from ObamaCare—a failing law with skyrocketing premiums that have risen by double-digit rate increases all across our country.

These families deserve relief from ObamaCare—a failing law with mandates that require people to buy plans that aren’t right for their families, even if there are no suitable choices to pick from, even if they are too expensive to actually use.

How much more will it take for our Democratic colleagues to realize that we have to move beyond the failures of ObamaCare? The only way these fami-

lies are going to get the help they need—and that so many have called for—is if we actually take action. The Republican Senate has been clear what we aren’t OK with standing by and allowing this system to crash completely, dragging down even more families along with it.

We know that—just like that collapsing bridge—ObamaCare wasn’t built on a sturdy foundation, nor were its policies truly built to last. Just like the bridge, it may have looked really good from the outside. We all remember the lofty claims our Democratic colleagues made about the law, but it never lived up to the fanfare. I know it is a disappointing reality for our friends across the aisle who championed the failed healthcare law. We know it is not the outcome they had hoped for, but the status quo is simply unacceptable.

We expect the Congressional Budget Office to release an updated score of the bill the House passed later today. It is a technical procedural step. Beyond likely reiterating things we already know—like that fewer people will buy a product they don’t want when the government stops forcing them to—the updated report will allow the Senate procedurally to move forward in working to draft its own healthcare legislation.

So whatever CBO says about the House bill today, this much is absolutely clear: The status quo under ObamaCare is completely unacceptable and totally unsustainable. The prices are skyrocketing. Choice is plummeting. The marketplace is collapsing, and countless more Americans will get hurt if we don’t act. No one should be comfortable with that. I know I am not, and I certainly hope our Democratic colleagues aren’t either.

So instead of continuing to hold press conferences in what ultimately can only be described as a defense of the ObamaCare status quo, I would ask our Democratic colleagues to come to terms with the situation Americans are facing, to stop the empty rhetoric, to join us in finally helping those who have been hurt by this failing law.

NOMINATION OF AMUL THAPAR

Mr. MCCONNELL. Mr. President, on another matter, as the Senate continues to process nominations, I would like to take a moment to say a few words about one for the U.S. Court of Appeals for the Sixth Circuit whom we will confirm this week.

Judge Amul Thapar served with distinction on the U.S. District Court for the Eastern District of Kentucky for close to a decade, having previously served as U.S. attorney for that same district and as assistant U.S. attorney for several years before that.

He was the first South Asian American to become a Federal judge, and once he is confirmed to the Sixth Circuit, Judge Thapar will be only the second South Asian American to serve on a Federal circuit court.

The American Bar Association has given him its highest rating—unanimously “well qualified.” That meant that in the group that rated him there was no one who didn’t give him a “well qualified” rating, which is the best they could give any nominee. I certainly couldn’t agree more with that characterization.

Judge Thapar is an excellent jurist. I know he will make a great addition to the Sixth Circuit, and I am proud to support his nomination. I would encourage all Members of the Senate to support him as we advance his nomination today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, yesterday former CIA Director John Brennan testified in the House Intelligence Committee that he had growing concerns about Russian interference in the final months of the 2016 election, adding that an investigation into potential collusion between the Trump campaign and the Kremlin was well founded. He issued very strong words.

Coming from a very careful civil servant from the intelligence community, Mr. Brennan’s testimony should further compel Congress and the special counsel to pursue the full truth. What Mr. Brennan said was happening gets at the very core of our democracy, the free and fair election of our representatives. Americans of all political stripes should be outraged by what Putin and the Russians did during the 2016 elections. As former Director Brennan said, in America, “we cherish the ability to elect our own leaders without outside interference or disruption.”

So, again, I expect that the Senate Intelligence Committee will continue its bipartisan investigation into these events. I expect that Special Counsel Mueller will help us all get to the bottom of this. We must make sure he is not interfered with.

Finally, I expect this body will hold up a high standard for the next FBI Director. He or she should be someone who is nonpartisan and independent, a Director’s Director, a prosecutor’s prosecutor, not a politician of either party.

Amidst all of the furor, we cannot lose sight of the most serious part of