

In 2010, President Obama signed a law that I introduced with Senator Sessions called the Fair Sentencing Act. It replaced a Federal law that demanded dramatically harsher sentences for convictions involving crack cocaine than powder cocaine.

I have worked with Democrats and some brave Republican colleagues for a few years to further reform Federal sentencing—to allow Federal judges some discretion in nonviolent drug cases, and eliminate “three strikes and you’re out law” and other overly harsh and inflexible laws that are overly harsh and hugely expensive to enforce.

In the absence of action from us, President Obama has used his powers to commute the sentences of more than 1,000 people—more than 50 times the number of people whose sentences were commuted by President George W. Bush and more than the past 11 Presidents combined.

We can’t have it both ways. If we don’t want President’s to use their lawful Executive authority to correct injustices, we need to correct those injustices ourselves. I hope we will do so in this new Congress.

Finally, we must—we must—fix America’s broken immigration system.

And let’s start by assuring DREAMers—those young people who were brought to this country as children and who are undocumented through no fault of their own—that we will not deport them from the only nation they have ever called home.

I have come to this floor dozens of times to tell you their stories. They are scholars, American soldiers, researchers, doctors, engineers, lawyers, clergy members.

DACA—the President’s Executive order—allows them to stay in this country temporarily while Congress works to pass a comprehensive immigration reform plan that meets the needs of our economy, and honors our values and our unique and powerful heritage as a nation of immigrants.

More than 750,000 DREAMers put their trust in our Government and came forward to register under DACA.

What will happen to them if—as many fear—DACA is not extended?

Immigrants are not a threat to America. Immigrants are America. The sooner we acknowledge that fact and align our laws with it, the better we will be.

Mr. President, I could go on for quite some time about what President Obama, Vice President Biden, and their administration have meant for America, but time precludes that so I will close with these last thoughts.

In that historic speech he delivered in Boston 12 years ago, President Obama told us that, in his father’s native tongue, the name “Barack” means “blessing.”

President Obama leaves office now as the most popular politician in America, and assured of his place in history. I believe that America has been fortunate—even blessed—by his service and sacrifice as our President.

President Obama has also warned us that “History travels not only forwards; history can travel backwards, history can travel sideways.” I hope that we can all pledge, regardless of party, to keep history moving forward.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of the majority whip’s remarks, I be recognized.

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

Mr. WHITEHOUSE. I thank the Presiding Officer, and I yield to the majority whip.

#### OBAMACARE REPLACEMENT

Mr. CORNYN. Mr. President, I thank my friend from Rhode Island for his courtesy.

Last week, the Senate took the first step in providing needed relief for the American people from a health care plan, the Affordable Care Act, that overpromised and underdelivered. Many people are hurting now as a result of the failed promises of ObamaCare. They were told their premiums would go down, that they would be able to keep the policy they had if they liked it, and that if they liked their doctor, they could keep their doctor, none of which has proved to be true. So it is important that we keep our commitment to the American people. I believe we have gotten a mandate as a result of the election on November 8 that we keep our promise to repeal the Affordable Care Act and to deliver health care that is affordable and is a matter of individual choice and freedom of choice.

The basic problem with ObamaCare is that it was command and control right out of Washington, DC, where people didn’t have sufficient humility when it comes to rearranging one-sixth of our national economy and believed that they could, in the process of writing a 2,700-page bill—that I doubt many of them read—take over and improve our health care delivery system.

It was sold on the basis of providing people access to affordable care, and in many instances, according to my constituents, they have seen their premiums skyrocket and deductibles skyrocket, effectively being insured but giving them no benefit of insurance coverage at all.

I realize there were some things that people liked to talk about when they talk about ObamaCare that were positive; for example, dealing with people with preexisting conditions. I agree that people should not lose their health insurance coverage when they change employers and be caught in a trap where your insurance company doesn’t cover your preexisting condition, but you don’t need ObamaCare in order to deal with that problem. People also like the idea that single adults living at home can continue to be listed on

their parents’ health insurance up to age 26. That is enormously popular on a bipartisan basis. Again, we don’t need a 2,700-page takeover of the health care system in order to deliver some of these consensus items of reform.

I believe, and we believe, that there are certain principles that ought to govern the replacement of ObamaCare that we will see unfold in the coming weeks; first and foremost, moving the health care decisions outside of Washington and back to where they belong—to patients, families, and their doctor.

We also believe patients ought to have more tools, such as health savings accounts which they can use to pay for their regular health care along with perhaps a catastrophic coverage which would help them in the event of an unexpected health care condition that would require hospitalization. If you are young and healthy and don’t need all the money you set aside in health savings accounts, you can keep that money and use it for your eventual retirement.

We also believe we ought to break down barriers that restrict choice and permit Americans to pick an insurance plan that is best for them and their family. One of the worst aspects of ObamaCare is that Washington, DC, said: Here is your health care coverage, and we are going to punish you with a penalty if you don’t buy it, forcing people to buy coverage that they didn’t want and didn’t need—for example, a single male being forced, in essence, to buy maternity coverage. That is just 1 of the 10 essential health benefits that was mandated in ObamaCare that drove the cost of insurance through the roof, not to mention the fact that the pools of people who were insured tended to be older and less well, thus driving premiums again through the roof.

Another principle that is really important to our health care reform replacement is empowering small businesses to provide employees with the kind of health care coverage that meets their needs through association health plans so they can pool their risks together to bring costs down and to increase their choices. We believe there ought to be flexibility on the part of the States when it comes to Medicaid spending. We ought to, in my book, give the States the money and the block grant and say: Come up with a health care delivery system for Medicaid’s low-income citizens that best suits their needs. We haven’t done that under ObamaCare. We have had a mandate and tied the hands of the States when it comes to coming up with alternatives to health care delivery.

Finally, when it comes to employers that provide 61 percent of the health care coverage for Americans, rather than tying their hands and driving up costs, what we ought to do is allow for increased flexibility for employer-sponsored plans that will help bring down the costs. We hear our colleagues on the other side of the aisle talking about ObamaCare like it was the gold

standard: There is nothing wrong with it. It is just perfect as it is.

Well, I don't have to tell our Democratic friends about the unintended consequences of this partisan exercise. ObamaCare was passed without a single Republican vote so the problems that have developed from it are problems that were created by our Democratic colleagues. Having said that, we hope they will work with us to come up with an alternative which we believe would be an improvement on the status quo, to make health care more available, at a price people can afford, with choices that would be theirs, not a mandate out of Washington, DC.

#### CABINET NOMINATIONS

Mr. CORNYN. Mr. President, let me talk just a minute about the nominations process. In 2009, when President Obama was sworn into office, there were seven Cabinet members sworn in on his first day in office. That is a demonstration of the good faith and civility that ordinarily extends in the peaceful transition of power from one President to another. That doesn't mean we were excited on this side of the aisle about the fact that President Obama won as opposed to our preferred candidate, but we believed it was our responsibility to carry on this tradition of peaceful transition of power. The President, having won the election, was entitled to surround himself with his team, subject to the vetting and the confirmation process and the process known as advise and consent.

I believe we need to see some cooperation from our colleagues across the aisle, including the confirmation of the next Attorney General of the United States, Senator JEFF SESSIONS. Our Senate colleagues know JEFF SESSIONS. They have worked alongside him. They don't need to read his resume, they don't need to know more about his record because they know his heart. They know JEFF to be an honorable and decent man who believes fervently in the rule of law and who will drain that swamp known as the Department of Justice, which has become an outpost of the political operation in the White House, and restore it to its rightful reputation as a Department of Justice that believes in equal justice under the law and doesn't play politics.

I would also state that our colleagues across the aisle ought to work with us to confirm the next Secretary of State, Rex Tillerson. Mr. Tillerson, I believe, is an inspired choice for Secretary of State. Some have wanted to say that the relationships he has developed around the world working on behalf of the shareholders of ExxonMobil are a liability. I actually view it as a spring. When you are talking to somebody, you are less likely to get involved in a fight or get involved in a misunderstanding that might lead to some unnecessary conflict. I don't have any doubts about his willingness and commitment to work on behalf of the

United States and all of our people, just like he has worked on behalf of the shareholders of the business he has run for all these years.

Finally, let me just say a word about the Secretary of Defense nominee, Gen. James Mattis. We overwhelmingly passed a waiver that would reduce the number of years a uniformed military officer had to be out of the military before they would be eligible for Secretary of Defense. I think the reason it passed by such a wide bipartisan majority is people realize there aren't many men or women in the world like Gen. James Mattis with the qualities that he brings to this important job. He is a real warrior statesman. Someone who has walked the walk and seen live combat during a 40-year career in the U.S. Marine Corps.

During his hearing before the Senate Armed Services Committee last week, all of us had a chance, along with our colleagues on the Armed Services Committee, to ask him how he would handle a host of foreign policy and national security issues. During the question-and-answer period, he mentioned the importance of preserving our country's military power, but he also noted that our Nation has historically held the power of inspiration by our example, inspiring others around the world with our democracy. That extends well beyond our uniformed military and the threat of military might. That is something that should be cultivated well beyond our military preparedness. The point is, with General Mattis, we have a strategic thinker who sees the big picture, and I am confident he will lead our military in a way that advances our interests around the world, and what I am particularly looking for are leaders in the Trump administration who will restore America's leadership role around the world wherever we go and wherever we look because I believe, in my heart of hearts, that one reason the world has become more dangerous and less stable is because many people around the world who are adversaries have viewed the Obama administration as retreating from America's traditional leadership role in the world, and believe me, there are plenty of countries—plenty of bad actors—that are willing to take advantage of that void when America retreats and doesn't demonstrate its historic leadership role.

I hope all of our colleagues will join us in supporting not only General Mattis's confirmation but Secretary of State Tillerson's and all of the others, including the Attorney General nominee, JEFF SESSIONS, and all of the other nominees of President-Elect Trump. They have every right to a thorough vetting. They have every right to ask hard questions to get information to help them vet these nominees. That is our job. In the end, they should not delay for just delay's sake, which unfortunately some of them have threatened to do. That will not help anybody. It will not help this new administra-

tion, it will not make America a safer place, and it will make us more vulnerable to those around the world who want to disrupt the peaceful transition of power from one Presidency to the next.

Mr. President, I thank my colleague from Rhode Island for his courtesy, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the senior Senator from West Virginia has a very short time clock and has asked me to yield 2 minutes to him before I begin my remarks.

I ask unanimous consent that that take place and that then I be recognized at the conclusion of his remarks to speak in morning business for the duration of my remarks.

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

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I thank my most generous friend from Rhode Island, Senator WHITEHOUSE, for allowing me to speak for a few minutes.

(The remarks of Mr. MANCHIN pertaining to the introduction of S. 175 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MANCHIN. Again, I thank the Senator.

Mr. WHITEHOUSE. My pleasure.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in my "Time to Wake Up" climate speech—this is No. 154—I sometimes feel as if I am out here banging hopelessly against a tightly locked, barred, and soundproofed door. I make them anyway because, at a minimum, I want history to know what happened here when people look back and ask what the hell went wrong with American democracy. But I do admit that it can sometimes be discouraging.

However, last week something important happened. A public servant won a victory against a massive special interest. A court in Massachusetts allowed the attorney general of that Commonwealth to obtain files and records from the ExxonMobil corporation about its climate denial enterprise.

That is great news, and it is an important event. There is virtually universal scientific consensus—and even alarm—about climate and oceanic changes caused by burning the fossil fuel industry's products. In the face of that concern, the fossil fuel industry has gone to the mattresses to defend its business model. It is defending what the International Monetary Fund has described as a \$700 billion—billion with a "b"—annual subsidy just in the United States.

To defend a prize of that magnitude, the industry has set up an array of front groups to obscure its hand and to