



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, TUESDAY, JULY 11, 2017

No. 116

Senate

The Senate met at 2:15 p.m. and was called to order by the Honorable ROB PORTMAN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

Lord God, source of righteousness and the center of our joy, forgive us when we assume we know what is right without seeking Your wisdom. Inspire our lawmakers to think Your thoughts, to listen for Your directions, and to follow Your guidance. Lord, lead them to seek what is best for our Nation and world, depending always on Your sovereignty and might. May they constantly remember that You possess all power and can accomplish the seemingly impossible if they would only believe. Continue to sustain them with Your might, showering them with Your bountiful blessings.

We pray in Your mighty 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, July 11, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROB PORTMAN, a Senator from the State of Ohio, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the Nye nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of David C. Nye, of Idaho, to be United States District Judge for the District of Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

HEALTHCARE LEGISLATION

Mr. GRASSLEY. Mr. President, I am going to speak for about 5 minutes. Before I begin, I will reference an item that I ask unanimous consent be printed in the RECORD following my speech.

I rise to share real stories of real hardships from hard-working families in my home State of Iowa. Seven years ago, Americans were promised that the Affordable Care Act would make health insurance cheaper and healthcare more accessible. Well, I will not pretend to break any news here. The facts speak for themselves: ObamaCare is not liv-

ing up to its promises. When passing the law, the other side made promises they knew could not be kept.

The irony is, the so-called Affordable Care Act is anything but affordable. I have heard from many Iowans who tell me, in no uncertain terms, that they cannot afford to buy health insurance because ObamaCare is unaffordable. In fact, 72,000 Iowans can't even get help from the exchange because there isn't an insurance company to service them.

One Iowan wrote to me:

I am forced to pay \$230 a month for a healthcare plan that covers nothing until I reach \$11,000 in deductible. So on top of paying 100 percent of my medical bills anyway, now I also have to pay for insurance I can't use.

How did we get to this point?

Seven years ago, I spoke right here on the Senate floor and predicted what would happen to the cost of insurance if ObamaCare passed. So let's go back to that period of time when I spoke in October of 2009. This is my own quote from that speech:

And while some of the supporters of these partisan bills may not want to tell their constituents, we all know that as national spending on health care insurance increases, American families will bear the burden in the form of higher premiums. So let me be very clear, as a result of the current pending health care proposals, most Americans will pay higher premiums for health insurance.

That is the end of my quote from a speech in the Senate in October of 2009.

Now, I don't have a magic crystal ball, but it was easy to read the writing on the wall. I knew that layers of new taxes and burdensome new mandates in ObamaCare would lead us to where we find ourselves today: a broken healthcare system that is not better off than it was 7 years ago, and for millions of Americans—including those 72,000 Iowans—it is much worse.

So where do we go from here? After 7 years of rising premiums, soaring deductibles, and climbing copays, Republicans are committed to fixing the damage caused by the Affordable Care

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



Printed on recycled paper.

Act. Not only is it unaffordable for too many people, it is unsustainable. ObamaCare is unable to fulfill its promises to the American people.

Here is what every lawmaker in Congress ought to agree on: Insurance isn't worth having if patients can't afford to use that insurance. The facts are clear. A one-size-fits-all, government-run plan from Washington, DC, is driving insurers out of the exchanges, driving up premiums, driving away customers, and driving up the tab to the tax-paying public.

ObamaCare has overregulated, overtaxed, and oversold its promises to the American people. ObamaCare has not healed what ails the U.S. healthcare system. It is time to move forward.

Mr. President, I also want to speak about Medicaid for a moment.

Medicaid, as we know it, is not sustainable. The Federal Government and States spent \$553 billion on Medicaid in 2016. That amount is very close to \$593 billion spent on the No. 1 responsibility of the Federal Government—our Nation's defense.

Every decade since Medicaid started, it has grown faster than the economy. Medicaid is now unmatched as a driver of the deficit of our country. We cannot sit by and leave this kind of debt to our children and our grandchildren.

Dollars are not the only metric by which we measure Medicaid. Medicaid is a program that should supply healthcare to diverse populations and should have quality measured, but it does not.

Medicaid dollars should be spent efficiently, but they are not. Activists in Washington, DC, are fighting to preserve the status quo and, of course, in the process, scaring the daylights out of the American people.

Yet Iowans tell me that there are waiting lists for Medicaid waivers to obtain services for children with disabilities. Others tell me that medicines that will cure diseases are rationed to be used only with those with the most advanced disease. In other words, you have to get really sick for Medicaid to cover medical expenses.

It is a fact that Medicaid is not working the way it should for everyone. The time to act to preserve and improve Medicaid as the safety net for the most vulnerable citizens is right now.

I am holding up a letter here because, under a Democratic President, proposing to do what we are doing, 46 Democrat Senators wrote to President Clinton and expressed their "strong support" for Medicaid per capita caps. The letter went on to say that it would give States the flexibility to achieve savings without cuts to essential services. That is what the current proposal aims to do as well.

We are proposing per capita caps as a way to make sure tax dollars are spent wisely on the most vulnerable people in our Nation. Medicaid dollars should be spent on a child with cystic fibrosis who needs a blockbuster drug. A person with severe mental illness should be able to rely on Medicaid for care.

Medicaid cannot continue to be a limitless credit card for the States to spend money without any accountability to the people who need it. I urge my colleagues to put aside partisan dogma and work to solve this problem for the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
December 13, 1995.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our strong support for the Medicaid per-capita cap structure in your seven-year budget. We have fought against Medicaid block grants and cuts in the Senate, and we are glad you acknowledge the importance of our position.

We support a balanced budget. We are glad you agree with us that we can balance the budget without undermining the health of children, pregnant women, the disabled, and the elderly.

The savings level of \$54 billion over seven years included in your budget will require rigorous efficiencies and economies in the program. However, after consulting with many Medicaid Directors and service providers across the country, we believe a reduction of this level is possible to achieve without dramatic limits on eligibility or cuts to essential services. States will need flexibility to achieve these savings, and you have taken steps toward granting it in your bill.

We were encouraged that your Medicaid proposal does not pit Medicaid populations against one another in a fight over a limited pot of federal resources.

We were further encouraged to hear Chief of Staff Panetta relay your commitment to veto any budget not containing a fundamental guarantee to Medicaid for eligible Americans.

We commend you on the courage you have exercised in making these commitments to Americans eligible for Medicaid. There is a bottom line when it comes to people's health; do not allow the current Congressional leadership to further reduce our commitment to Medicaid beneficiaries.

Your current proposal is fair and reasonable, and is consistent with what we have advocated on the Senate floor. We urge you in the strongest possible terms to hold fast to these commitments in further negotiations. We are prepared to offer any assistance you may need in this regard.

Sincerely,

Bob Graham; John Breaux; Jay Rockefeller; Herb Kohl; Patrick Leahy; Frank R. Lautenberg; Ted Kennedy; Tom Daschle; Patty Murray; Barbara Boxer; David Pryor; Barbara A. Mikulski; Max Baucus; Paul Simon; Kent Conrad; Wendell Ford; Harry Reid; Paul Wellstone; Richard H. Bryan; Ernest Hollings; Dianne Feinstein; Tom Harkin; Byron L. Dorgan; Chris Dodd; J. Bennett Johnston; Joe Lieberman; Paul Sarbanes; Carol Mosely-Braun; John Glenn; Jeff Bingaman; Carl Levin; Bill Bradley; John F. Kerry; Bob Kerrey; Joe Biden; Daniel K. Akaka; Dale Bumpers; Daniel Inouye; Chuck Robb; J. James Exon; Howell Heflin; Claiborne Pell; Russ Feingold; Daniel P. Moynihan; Sam Nunn; Robert C. Byrd.

Mr. GRASSLEY. Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

MISSISSIPPI PLANE CRASH

Mr. McCONNELL. Mr. President, I want to start this afternoon by offering deepest condolences to the Marine Corps and to all those who lost loved ones in the tragic plane crash yesterday in Mississippi. We are still learning details about the incident, but we know that at least 16 on board the plane perished as a result of the crash. Our hearts break for all those impacted and the many lives cut short in this tragedy. We are reminded of the bravery that our voluntary servicemembers exhibit, putting their lives on the line, both at home and abroad, in order to defend our communities and our freedom. We are indebted to them for their courageous, courageous sacrifice.

HEALTHCARE LEGISLATION

Mr. President, on a totally different matter, ObamaCare is a direct attack on the middle class. Seven years ago, Democrats imposed it on our country. In the years since, Americans have found themselves at the mercy of its failures repeatedly. Choice was supposed to go up, but it plummeted. Costs were supposed to go down, but they skyrocketed.

ObamaCare's defenders spent years trying to deny these clear realities. When the weight of the evidence became too clear to ignore, some appeared to bemoan ObamaCare's harmful impact on our country.

The Democratic Governor of Minnesota declared that it was "no longer affordable." President Clinton branded it "the craziest thing in the world." Other Democrats said similar things.

Such acknowledgements of the obvious seemed to many of us like progress, but they turned out to be just rhetoric. In the last election, voters delivered Congress the opportunity to finally address the ObamaCare status quo. Yet Democrats made clear early on that they did not want to work with us in a serious, bipartisan way to actually do so.

I wish they had made a different choice. I wish their sudden calls for bipartisanship now were even somewhat serious, but this is the reality before us. We must accept it because that is where we are.

As my Republican colleagues know, this is the charge we must accept as well. The American people are looking to us for a better way. That is why, despite the headwinds, I chose to keep working toward a better solution than ObamaCare. I have seen the pain in the eyes of too many of my constituents because of this law. I think they deserve better than what ObamaCare has given them. I hope, in the end, that a majority of the Senate will agree.

We have been continuing with ongoing conversations across the conference about how to get there. Members shared significant input over the State work period. We are going to keep working very hard on this. We will continue to focus on the fundamentals that have guided the process from the start, like improving the affordability