

Chairman GRASSLEY and Ranking Member FEINSTEIN in expediting the confirmation process for Judge Nye's renomination.

I also thank both President Obama and President Trump for nominating Judge Nye to the Federal bench. It is rare to be nominated by Presidents of two different parties, but it is a fitting testament to Judge Nye's sterling reputation that he has secured that distinction.

Finally, I appreciate the majority leader giving Judge Nye the honor of being the first U.S. district judge by the 115th Congress.

Judge Nye is supremely qualified as a candidate for the Federal district court seat, having a unanimous "well qualified" rating from the American Bar Association and having received approval from the Senate Judiciary Committee without dissent twice in a little less than a year.

Judge Nye has long been ready to assume this high office. A longtime member of Idaho's legal community, Judge Nye has been a law clerk, a practicing lawyer, and since 2007 a judge on Idaho's Sixth Judicial District Court. This court handles all felony criminal cases, major civil cases, and appeals from the magistrate court from six counties throughout the southeast portion of Idaho. He also served from 2009 to 2012 as the administrative district judge for the Idaho Sixth Judicial District, elected by his peers on the court for the 3-year term to this position.

He is not just a well-respected jurist in Idaho. Judge Nye is heavily involved in the training and orientation of new Idaho judges, and he serves on the Idaho Supreme Court's committees on judicial education and felony sentencing.

Action on Judge Nye's nomination is critical and timely. Idaho is one of only three States having just two authorized district court judgeships. The nonpartisan Judicial Conference of the United States has declared a judicial emergency for Idaho and has recommended in every one of its reports to Congress since 2003 that Idaho be authorized a third district judge position. For the past 2 years, Idaho has had a three-judge caseload handled by just one active judge. What is even more challenging is that our lone remaining active judge is already eligible to take senior status since this past March. Even with Judge Nye's confirmation, Idaho still needs another U.S. district court judge.

Confirmation of Judge Nye today or tomorrow is undoubtedly a proud day for the entire Nye family, including Judge Nye's wife Katre and their eight children. Knowing that a successful public servant draws so much strength from the family surrounding him or her, I salute their partnership with Judge Nye in making this important occasion possible.

Again, I strongly endorse Judge Nye's nomination and appreciate the Senate's confirmation of him.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I want to associate myself with the remarks from my distinguished colleague and close personal friend, Senator CRAPO, and join him in urging our fellow Senators to quickly confirm Judge Nye.

As pointed out by Senator CRAPO, this will be the first district judge to be confirmed by this Congress. So it should be an honor for Judge Nye, and I am sure he views it that way.

This has been, literally, years in the making. As Senator CRAPO pointed out, we have only one active Federal judge right now, and he is handling what is essentially a three-judge load. Some time ago, when this vacancy occurred, Senator CRAPO and I went to work on this. Most Americans don't understand how this works, but to become a U.S. district judge, it takes essentially the concurrence of three people—that is, the President of the United States and the two Senators from that particular State, be they two Republicans, two Democrats, or one of each—because we have what is called a blue slip process, where if any one of the three can and do object to a person, then that person will not be permitted to go forward.

In this particular case, we negotiated with the Obama White House for literally months and months, and it turned into years. I believe we acted in good faith on both sides in trying to find a person who would be the right fit for Idaho. Again, we literally vetted well over 50 individuals for this position, and for one reason or another, we were unable to get any of those across the finish line.

Finally, we settled on Judge Nye. I shouldn't say "settled" on him. He had not really applied. After going through the 50 being vetted and not really getting where we wanted to be, we sought out Judge Nye and talked with him about it, and we went forward on that basis. The White House came along, and before President Obama left office, he nominated Judge Nye, pursuant to my and Senator CRAPO's request. Unfortunately, that was just about the time that we ran out of time processing judges. The election came and went. President Trump was inaugurated, and we started all over again. I want to personally thank the White House for very quickly renominating Judge Nye for this position, again, at the request of myself and Senator CRAPO.

Too many States have a shortage of judges, and there is a movement afoot right now to attempt to boost the Federal judgeship load, which is in bad need. For instance, in the last seven surveys that the Judicial Conference has undertaken, they recommended that Idaho get a third judge. Senator CRAPO and my predecessor before me and, I think, even Senator CRAPO's predecessor before him have also been pushing for this judge. We continue to do that, and I am seeing some green sprouts that perhaps we will be moving somewhere in that direction.

In any event, yesterday we had the vote on moving forward on his nomination, and that vote was 97 to 0, which certainly is a testament to Judge Nye himself. I would urge our fellow Senators, when we get to this vote, which will either be later today or midday tomorrow, to proceed with the same kind of vote. It was a bipartisan vote on cloture, and we hope it will remain a bipartisan vote as we move forward on this confirmation.

With that, I want to thank Senator GRASSLEY, who obviously is pressed by everyone who has a vacancy, and Senator MCCONNELL, who has lots of things on his mind these days and is struggling with challenges that come at him from all directions, for choosing Judge Nye at our constant and gentle urging over the recent months and years and moving him to the front of the line. I want to personally thank Senator MCCONNELL for doing that. Of course, I want to thank my distinguished colleague for his work on the Judiciary Committee and moving it through the Judiciary Committee.

I think Judge Nye will be a person who will make us all proud. Certainly, we are going to be very happy to have this judgeship filled in Idaho and, particularly, with someone of the quality of Judge Nye.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

HEALTHCARE LEGISLATION

Mr. CORNYN. Mr. President, as we move forward in our efforts to repeal and replace the failed ObamaCare law, it is worth remembering the reasons why this work is so urgent and why it is so important. The Affordable Care Act has left many American families paying far more for healthcare than they did beforehand, and it has taken away their freedom to choose the doctor they want or the health plan they want. That is, of course, all contrary to what was promised at the time ObamaCare was passed back in 2009 and 2010.

We all remember what the President said, and none of it has proven to be true in terms of your plan, your doctor, or the costs. In fact, as I mentioned before, the cost has gone up 105 percent for people in the individual market since 2013 alone. So rather than seeing a \$2,500 decrease in the cost to their health coverage, they have seen a \$3,000 increase, and the prices continue to go up. It is actually getting worse by the day, which is another reason for the urgency of what we are about to do. A report from the Centers for Medicare and Medicaid Services, or CMS, released yesterday, found that 40 percent fewer insurers have applied to participate in

the ObamaCare exchanges next year. The reason why that is important is because when fewer insurance companies choose to participate, of course, consumers have less choice and there is less competition in terms of quality of service or the price they charge. The damage goes far beyond the damage to the doctor-patient relationship and the damage to our pocketbooks, when we are told things will cost us less and they cost us more. The damage of the Affordable Care Act has literally permeated our entire economy and has led to a lot of people losing their jobs along the way.

ObamaCare consists of a number of mandates, government coercion, and punishment if you didn't comply with the mandates that forced many Americans to buy a product they would not have bought of their own volition and in many instances simply could not afford. But if you refused to do it, the government fined you, punished you. That represents a radical change in the nature and guiding philosophy of this country. This country was founded on the concept of individual freedom, not on Big Government coercing you to buy something that you don't want and you can't afford. But that is the theory behind ObamaCare.

In addition to that, for small business owners, it included a penalty for any business that exceeded more than 50 employees who did not provide government-approved health insurance policies. It cost them at least an additional \$70,000 a year, in addition to other increases in healthcare costs.

Let's say you are a small business of 50 or so employees. You are sure not going to hire over the cap and subject yourself to the additional \$70,000 a year in costs. What you are likely to do is to hire fewer than 50 employees in order to protect yourself from that expense, and that is exactly what happened.

I still remember, after the Affordable Care Act passed, having lunch in San Antonio, TX, with a friend of mine who was an architect at the particular time. When I described to him the nature of the employer mandate and its effect, he made it clear to me that he would rather lay off some of his employees in order to avoid that additional expense under the employer mandate. In fact, that is just what he did.

This is just another bit of evidence about the pernicious impact of the Affordable Care Act. It is not just about premiums. It is not just about deductibles. It is not just about freedom of choice. Literally, it has been a wet blanket on our economy.

This damage reaches across many different sorts of industries. According to a recent study by the Mercatus Center, an estimated 250,000 jobs nationwide were lost due to this mandate. That strikes me, frankly, as too small a number, but that is the number they projected. A quarter of a million people lost their jobs because of this mandate because small employers were moti-

vated to keep their numbers under the cap in order to avoid the extra expense. This does not even take into account the consideration of businesses that were forced to shut their doors altogether.

In other words, ObamaCare was, in part, premised on this idea that businesses could endlessly absorb additional taxes and new costs and mandates and somehow continue to keep their doors open and do business as usual, but that is not the real world.

It also does not take into consideration the many businesses that choose to cut the hours their employees can work instead of firing them. This is another one of those stealth characteristics of ObamaCare, in which employers are judged on the number of full-time employees they have.

I remember talking to a restaurant owner in East Texas—in Tyler, TX—who told me he had to lay off a single mother who was working as a waitress in his restaurant. He could not afford to have her work full time. He had to put her on part time in order to avoid the penalties that are associated with ObamaCare. What that meant for this single mom is that she essentially had to go out and get two jobs in order to fill the gap that was left by her going from full-time work to part-time work. That is not the only story I can tell you.

A small business owner in Donna, TX, epitomizes this reality in a letter that was written to me a few weeks ago. This gentleman said he and his wife are both on Medicare. Of course, they are unaffected directly by ObamaCare because Medicare covers people who are 65 years and older while ObamaCare covers people who are younger than that. While they were left unaffected personally by ObamaCare's changes, on behalf of his 54 employees, he wrote that after ObamaCare went into effect, he was faced with a choice, either he could buy his employees expensive health insurance that his business could not afford or he could pay fines totaling more than \$100,000. Instead, he made the painful choice to lay off six of his employees in order to remain under the ObamaCare-imposed threshold. As he pointed out, this meant more than just simply laying off six people; it also meant risking the well-being of each of those families represented by those six people.

Small business owners should not be forced to choose between growing their businesses and providing jobs or risking the financial livelihoods of their entire companies and their employees just to satisfy the demands of Big Government. Even beyond causing layoffs, ObamaCare has effectively ensured that many businesses cannot grow and that existing businesses will not hire any more employees.

ObamaCare did not just lead to a new form of healthcare coverage, as some have claimed, as two-thirds of the small businesses that were surveyed by

the Mercatus Center report already offered insurance. Two-thirds of the businesses affected by ObamaCare already had healthcare coverage, but that was effectively displaced and replaced by government-approved healthcare, which proved to be far more expensive.

Instead of having the choice to shop around for the insurance that best meets their needs and the needs of their employees, these businesses have been forced to either pay the penalty or to pay the piper—that is the Federal Government—when it comes to these mandates and these demands.

It ought to be clear by now—7 years into the implementation of ObamaCare—that this kind of one-size-fits-all mandate should not be applied to a country of 320 million people, especially when it comes to something as personal as healthcare. Each of us is a unique human being. Each of our families has its own unique needs and desires. Frankly, we ought to be able to choose the sort of healthcare coverage that best suits our needs as well as our incomes and our desires to buy health insurance. Some people want policies that provide purely for catastrophic coverage when they go to the hospital. Maybe they prefer to have savings accounts that use pretax dollars under health savings accounts in order to save money so as to pay for their doctors' visits, and they combine that with a high deductible health insurance plan. You literally cannot do that under ObamaCare, but you will be able to do that under the Better Care Act, which we will be voting on next week.

What we have tried to do is to look at the meltdown of ObamaCare and say that we need some emergency measures to take place because of the phenomenon I mentioned earlier in which insurance companies are pulling out, people's premiums are going through the roof, or deductibles are so high that they are effectively being denied the benefit of their health insurance. We need to do something quickly and urgently.

What we are going to do is take measures to stabilize the insurance markets because if insurance companies continue to pull out of the insurance markets and deny people a choice or competition or even access to a qualifying policy at all, that is going to put people in an impossible situation. So the first thing we are going to do is to stabilize the marketplace.

The second thing we are going to do is to repeal the mandates that have made health insurance so unaffordable and restore the freedom to choose the sorts of policies and create a marketplace in which people can choose the policies that best suit their needs and at prices they can afford. It will literally bring down the cost of what people are charged in order to buy healthcare coverage.

Because we understand the importance of protecting families against preexisting condition exclusions, we are going to make sure the current law

remains in effect that protects people from exclusions when they change jobs or lose jobs based upon preexisting conditions.

The fourth thing we are going to do in the Better Care Act is put Medicaid on a sustainable growth rate. Medicaid is an important program. It provides the healthcare safety net for the Nation, but unfortunately it is unsustainable at the current rate of spending. Over the next 10 years, we propose to spend \$71 billion more than we do today on Medicaid. In other words, it is going to continue to grow but at a more controlled and fiscally responsible rate.

We are also going to provide people with tax credits who have an income between zero and 350 percent, including those people who are left out in the event that the Medicaid expansion is not embraced by their States and States like Texas—people who are now at 100 percent of the Federal poverty level up to 138 percent who were left out because of the fact that Texas did not expand Medicaid to able-bodied adults. They are going to be able to use that tax credit to buy private insurance. Private insurance provides much better access to coverage because, right now, Medicaid pays doctors and hospitals about 50 cents on the dollar when it reimburses them. Private insurance pays them much better so it improves the range of choices available to consumers.

Our bill continues to be a work in progress. We have done our best to try to work with everybody who has been willing to work with us and to use their ideas. What we have tried to build is a consensus bill, but the fact is, our friends on the other side of the aisle have simply refused to participate in the process, thus leaving it up to us to save people and help people who are currently being hurt by the status quo. We are going to do our duty. We are going to fulfill our responsibility to our constituents the best we can under these circumstances. In recognizing that no bill is ever going to be perfect, certainly, we have to do what we can in order to help the people who are being hurt now under the status quo.

Let me just close by saying that I have heard my friend the Senator from New York—the Democratic leader—talk about this bill. If we are unsuccessful in getting this bill passed next week, he wants to engage in a bipartisan negotiation in order to address healthcare. Yet what I predict is this: What he is really talking about is a massive, multibillion-dollar bailout of insurance companies without there being any reform. To me, that is an exercise that, frankly, I am not willing to participate in. I will never support a multibillion-dollar bailout of insurance companies and not be able to reform the system that created the problem in the first place.

I urge all of our colleagues to work together with us. Bring us your best ideas. Work with us. Try to figure out

a way to be constructive in this process and help us to achieve a result. It is not going to be the final result. We will have other opportunities, for example, in the Children's Health Insurance Program, which is a bipartisan program that expires by the end of September. We will have another opportunity to come back—hopefully, then on a bipartisan basis—to do additional things that we were unable to do because of the constraints of the budget reconciliation process and the fact that our Democratic colleagues simply refuse to participate in saving the people who are being hurt today by ObamaCare.

I encourage my colleagues not to be lured by the seductive message of our friends across the aisle about doing something bipartisan after this bill is unsuccessful. They are not interested in changing anything about the structural defects in ObamaCare. If all we are going to do is propose to pay insurance companies billions of dollars more in order to bail them out—in order to support the same flawed structural program known as the Affordable Care Act—you can count me out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I take this time to share with my colleagues the experiences I had in the State of Maryland during our most recent work period and shortly before that, when I took the opportunity to meet with different groups with regard to the healthcare debate.

I had a townhall meeting this past week at Atrium Village, which is a senior living place in Baltimore County. We had a robust discussion primarily with seniors, but not just seniors, about their concerns as to whether the changes in the healthcare law would affect their ability in the Medicare system as well as relating to long-term care and Medicaid.

A little bit earlier than that, I had a townhall meeting at one of our local hospitals where we had a chance to talk with lots of people. It was an open townhall meeting, and a lot of people from the community showed up. They expressed their concerns about what would happen under the changes being suggested in healthcare on coverage and quality of coverage, and we had a very robust discussion.

I also had a chance to meet with leaders of the faith community as we talked about our responsibility to make sure healthcare is a right and not a privilege in the United States.

I met with the leaders of the community health centers in Park West, in Baltimore City, to talk about the impact on the viability of health centers if the Medicaid Programs were cut.

I had a chance to visit with Mosaic Behavioral Health Center, which deals with behavioral health in Baltimore, and their concern is, if we eliminate the essential health benefits of mental health and addiction, what impact that would have on access to care.

There was a consistent message from each of the places I met with, with regard to whether we would be able to maintain coverage—under the Affordable Care Act, we expanded coverage by tens of millions—and whether that coverage would be compromised under the legislation being considered in the Senate.

We also had a chance to talk about whether there would be a weakness in what benefits would be covered. I already mentioned mental health and addiction. There were also concerns expressed about reductions of benefits regarding obstetrics and how it would affect women, and pediatric dental care, which is a particular concern in Maryland after the tragic death of Deamonte Driver.

They also raised many issues concerning discrimination in healthcare that was present before the Affordable Care Act and whether these conditions would be returning. A young father told me a story about how his daughter was born prematurely and, as a result, the baby was in the neonatal intensive care unit for 4 months. When his daughter was 4 months old, she had reached her lifetime limit of what the insurer would pay for healthcare if we returned to lifetime limits. Whether we would be returning to the predatory-type practices of the insurance companies that were present before the Affordable Care Act and whether we would be returning to preexisting conditions or doing that indirectly through what benefits would be covered—that was expressed at several of my healthcare meetings.

I already mentioned the concerns that the elderly expressed, including the discrimination of the near elderly, if we go to a 5-to-1 ratio on health premiums, so that those who are 60 or 62 years of age paying five times higher premiums than younger people are paying. All of that was brought out during my townhall meetings.

The one message I just wanted to leave with my colleagues is that there was a strong interest that we work together—Democrats and Republicans—because we all acknowledge that the Affordable Care Act can be made better. We don't want to repeal it. We want to improve it.

Before we left for the July 4th break, I introduced legislation that deals with some of these issues. The legislation would improve competition by putting the so-called public option in the exchanges so that we know there would be at least one governmental option without subsidies, without any additional breaks over private insurance companies, to guarantee more competition in the marketplace.

I also included in my legislation a solution to deal with the two major problems that we have under the Affordable Care Act. For some people, the insurance premiums are too high. Why? Well, I asked CareFirst, which is the major health insurer in Maryland, about the uncertainty as to whether President Trump is going to fund the cost-sharing issues. My legislation makes it clear that those funds will be made available, as was anticipated under the Affordable Care Act.

I also provide predictable subsidies for lower income families, up to 400 percent of poverty, so that we can help bring down the cost of premiums in that marketplace, and we reimpose the reinsurance program so that we can spread the risk so the insurance companies know that they have a more predictable risk when they set their premiums.

All of this would make a big difference. CareFirst said that, in the individual marketplace in Maryland, if you do that and endorse the individual mandate, we could reduce our premium increases by 50 percent.

So I am trying to work, I hope with Democrats and Republicans, to deal with the problems that have been brought to our attention on higher premiums and then to deal with healthcare costs generally.

More and more people talk to me about bringing down the costs of prescription drugs. It is outrageous that Americans pay twice what our friends in Canada pay for the same medicines that are manufactured here in the United States. So why don't we have a more competitive marketplace? Why don't we have the rebates that we have in the Medicaid and the Medicare systems, and why don't we allow for more collective bargaining for prices in the pharmaceutical industry? My legislation would do that, and I know there is bipartisan support for that.

Lastly, we deal with more integrated care. I mentioned Mosaic, a behavioral health facility in Baltimore City. They have an integrated care model. If you come into their community health center, they will treat whatever your problems are. They are not going to say: Well, come in one day and we will deal with diabetes, and the next day we will deal with high blood pressure. Let's deal with the whole patient in a coordinated and integrated care model, and that would help save on costs.

My bottom line is this. No, I am not going to support weakening the Affordable Care Act. I am not going to support legislation that would diminish those who currently have coverage or the quality of their coverage. Let's work together—Democrats and Republicans—to deal with the real problems of bringing down costs in our healthcare system—everybody benefits from that—and to make sure there is more competition in our exchanges and to make sure there is better premium support for those who cannot afford their premiums. If we do that, then, I

really think we would be carrying out what the people of Maryland were asking me to do during the recess; that is, not to go back on the progress we have made under the Affordable Care Act. Let's build on that. Let's make healthcare more affordable, and let's deal with more competition on the premium costs.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

VENEZUELA

Mr. RUBIO. Mr. President, I have, since the year 2014, come to the Senate floor on numerous occasions, perhaps more than I hoped to, to discuss the developing situation in the nation of Venezuela.

The reason why I have taken such an interest in this issue is because of the impact it has, first and foremost, on my home State of Florida. We are blessed in Florida, particularly in my hometown of Miami and in South Florida, to have a vibrant and diverse community with people from across the world and, particularly, from the Western Hemisphere. That, of course, includes a very substantial number of people from Venezuela, some who live in Florida for part of the year and some who have made it their permanent home. They have contributed greatly to our economy, to our culture, and to our lives.

It is through their eyes that I have witnessed the tragedy that has unfolded in that nation over the last 5 years. I use the word "tragedy," but I don't use it lightly. Venezuela is one of the richest countries in the world, blessed with natural resources that God has blessed that nation with and the largest crude oil reserves on the planet—certainly, more than the United States and Canada combined, as an example. They have highly educated and capable people and a long tradition of democracy. Venezuela has one of the oldest traditions of democracy in the Western Hemisphere. As much as anything else, not only is it a tragedy for the people of Venezuela—what has happened—but it is a tragedy for the hemisphere and, ultimately, for the world. We look at some of the great causes that the world is confronting and think what a democratic and prosperous Venezuela could be contributing, what its extraordinary people could be contributing. But the last 5 to 10 years—particularly the last 5—have largely been taken up by internal strife.

At the end of the day, my interest on the issue of Venezuela has never been the removal of anyone from power. It has been about the restoration of the democratic order so that the people of Venezuela can choose their path forward. We look at the history of our hemisphere, here in the Western Hemisphere, and we see that up until about 25 years ago, most of the nations in the Western Hemisphere were governed by dictators and strongmen on both the left and the right, and few, if any, people in our hemisphere had a role to

play in choosing their leaders. Today, but for the exception of a handful of places—predominantly, Cuba and the Caribbean and some others—almost all of the people of the region get to choose their leaders, and that has been the story of Venezuela up until very recently. Sometimes they choose leaders who agree with America, and sometimes they do not. But they choose their leaders.

In the end, we know that democracies very rarely start wars because their peoples do not tolerate it. Democracies always seek stability and prosperity because their peoples demand it, and they get rid of leaders who don't deliver.

So our goal from the beginning—my goal, in particular—has consistently been the restoration of the democratic order and, through that, the respect for basic rights and dignity of all people, particularly in Venezuela. It is sad to see what has happened because I think it is fair to say that the situation today in Venezuela is worse than it has been at any point since 2014.

We saw about a week ago the horrifying images of armed thugs storming the National Assembly—the democratically elected National Assembly—and attacking members of that assembly. It would be the equivalent of protestors storming the Capitol doors and attacking Senators and Congressmen. We saw images of uniformed personnel, some of whom, basically, are the equivalent of our Capitol Police, roughing up the very members of that assembly whom they are supposed to be protecting. We have seen the images of protests in the streets, of national guard troops firing on people with tear gas and rubber bullets and, in some instances, with guns.

We have seen these irregular groups called "colectivos" going after people in the streets. By the way, in fairness, we have seen violence on both sides of it, although the vast majority of people in the opposition—the enormous majority—seek a peaceful resolution to this. Anytime you put hundreds of thousands of people in the street, chaos happens.

You think not just of the protestors, but you think of their family members on the other side of it. We forget that these national guard troops, holding up their shields and wearing the uniforms, have sisters and brothers and husbands and wives and loved ones on the other side of that barricade, deeply dividing this proud nation with an incredible history of contributions that it has made.

The situation has now reached what I believe is the tipping point. Later this month, the Government of Venezuela—I should say the executive branch, under its current President—has scheduled an unconstitutional assembly. They call it a constituent assembly. It violates the very Constitution of the country, not to mention that the supreme court has already kind of canceled the democratic order and this adds to that. I just say this with deep