

David Bernhardt has spent his life balancing competing interests, weighing the stewardship of our natural resources and wildlife with the letter of the law. His relationship to our lands and the western way of life is not second nature; it is first.

Mr. Bernhardt was confirmed unanimously by the Senate in 2006 as the Solicitor of the Department. As Solicitor he proved he was capable of upholding the law, even under difficult situations. My colleagues may remember that he wrote the opinion that decided to list the polar bear and drafted a workable rule. As we know, Secretary Salazar then upheld this rule.

As Solicitor, he prioritized establishing a robust ethics team at the Department. That ethics team still exists today.

Mr. Bernhardt has proven to have the highest level of integrity and work ethic. For heaven's sake, he is a westerner. He is from Rifle, CO, and the importance of our public lands and wildlife flows through his veins like a lot of us who live out West. I have confidence that he will be a dedicated servant to our western way of life, where we love to hunt, to fish, to hike on our public lands. I have confidence in this because I know he loves this way of life as well.

I am not the only one who has this confidence. Listen to this list of support from groups across our country that support his appointment: the Theodore Roosevelt Conservation Partnership; Ducks Unlimited; the Rocky Mountain Elk Foundation, the Boone and Crockett Club, and others that many Montanans are members of, including the Mule Deer Foundation, the NRA, and the National Shooting Sports Foundation.

While the U.S. Senate confirmed Ryan Zinke as Secretary of the Interior, he became the first Montanan, my friend Ryan Zinke, to serve on the President's Cabinet since our statehood in 1889. It sent a message that the Department of the Interior would have our Montana values and our western values, and the confirmation of David Bernhardt as Deputy Secretary would make good on that promise.

While Montanans and westerners highly value access to our public lands and wildlife, Montanans are also pleading—pleading—for our land management agencies to be better partners, to work alongside our States, and to work alongside our landowners.

Secretary Zinke needs a right-hand man to make sure we uphold our commitment to Indian Nations. Secretary Zinke promised to rebuild trust in our Federal land and wildlife management agencies and strengthen the government-to-government relationship with Indian Tribes. He needs a deputy in place who can help implement this vision to restore trust and balance to the Department of the Interior for Montanans.

My colleagues, it is time Secretary Zinke has a Deputy we can all count on, and I look forward to casting my vote for David Bernhardt.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired. The question is, Will the Senate advise and consent to the Bernhardt nomination?

Mr. SASSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from West Virginia (Mrs. CAPITO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—53

Barrasso	Flake	Murkowski
Bennet	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Strange
Cruz	King	Sullivan
Daines	Lankford	Thune
Donnelly	Lee	Tillis
Enzi	Manchin	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—43

Baldwin	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	
Gillibrand	Peters	

NOT VOTING—4

Alexander	McCain
Capito	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Bernhardt nomination the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 175, H.R. 2810.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 175, H.R. 2810, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

MONTANA WILDFIRES

Mr. DAINES. Mr. President, as I speak, wildfires are blazing across Montana. In fact, as of this moment, we have 21 active fires, with just about 300,000 acres burned, which has turned our big sky into gray smoke. In fact, the Lodgepole fire in Eastern Montana alone has burned over 250,000 acres, and there are 300-plus heroes bravely working to tame those growing flames.

I was on the phone a couple of times with our county commissioner from Garfield County, and we talked about how to get more resources for these devastating fires. I just got word an hour ago that the Sunrise fire on the western side of our State, near Superior, MT, was just elevated in the last couple of hours as the No. 2 national priority fire in the Nation.

Montana is hot, Montana is dry, and there is a long way to go yet in this fire season. The status quo is simply unacceptable. With these fires blazing and the ground cracking beneath us, we are reminded of how fragile the way of life in Montana is.

Our No. 1 economic driver in Montana is agriculture. Montana ag supports our economy in seasons of plenty, as well as in seasons of drought, including physical drought and unseasonable rains. We have seen both in Montana, and farmers and ranchers have risen to the occasion each time. As they have supported us, we must support them.

The historic drought conditions in Eastern Montana warrant relief from regulations that limit the producers' abilities to use our land in the best ways possible. I was pleased by the decision of Secretary Perdue and the USDA to allow impacted producers to best use the Conservation Reserve Program acreage for grazing, but I believe Montana producers are not able to sleep at night for fear of losing their family farms. They deserve more support from those who benefit from their legacy of hard work.

I have held and will continue to hold USDA's feet to the fire, urging additional emergency relief for farmers and

ranchers. I have been engaging with Montana farmers and ranchers. Most recently, I spoke with officials; I was literally on the phone last night with officials from Garfield County, talking with folks on the ground as to what the lack of rain has meant for them.

I understand the severity of drought and the risk of wildfires. Let me tell you, wildfires are all too common for those of us who live in Montana. Hundreds of fires burn through Montana's forests every year, with countless firefighters fighting to protect lives and property. Year after year, I will come down here, and you will hear me speak on the floor; you will hear me in committees; you will hear me back home, talking about the fact that these fires are ready to ignite at any moment. You can see the unmanaged forests we have in Montana are literally just waiting for a massive wildfire. With nearly 300,000 acres burned—and we aren't even in August yet; it is still July—it is a big deal for a State known for its wide open landscapes.

We need forest management reform urgently. It is a topic always on the forefront of my mind and on the forefront of Montanans and those of us out West, but it is on the back burner of the swamp here in Washington, DC, until, of course, we get to fire season; then we will talk about it.

We must reform the way we manage our national forests. We can use proven tactics to reduce the threat of wildfires, as well as to reduce the rate of spread and intensity of those fires when they occur. We need a wildfire funding fix because we can't just keep hoping the Congress will pay back the Forest Service at the end of every season. It is not the way a family budgets, and the Forest Service shouldn't have to either.

We have nearly 5 million acres of national forest in Montana that have been identified as critically in need of restoration. We are talking about dying and dead timber, primarily because of beetle kill, and we can't even get in and manage the timber because we have these far-left groups that would challenge many of our timber sales in court. I have joined Senator AMY KLOBUCHAR of Minnesota in sponsoring legislation to encourage partnerships between the Forest Service and the State foresters to carry out these cross-boundary restoration projects.

A fire does not respect boundaries; it doesn't know where the State land ends or Federal land begins or where private land is or reservation lands are. We need to work better as neighbors along the fence line to reduce fuels and wildfire hazards across the country. These partnerships and projects will make fighting these wildfires safer for firefighters and allow them to return home safely to their families.

At this time of year, we recognize our firefighters, in particular, as some of the bravest men and women out there. The courage with which they run

toward danger—I tell you, if you have never seen a wildfire burning out west, it is an incredibly terrifying sight to see huge plumes of flames that reach up to 30,000 feet in the atmosphere. They are ominous. These brave men and women run toward danger to protect our lives and our homes.

HONORING TRENTON JOHNSON

Mr. President, let me close by recognizing a young man who lost his life in Montana just this past week. His name was Trenton Johnson. Trenton Johnson was such a man—one of those brave heroes. It is with a heavy heart that I offer prayers of strength and peace to the family and friends of Trenton Johnson, who died fighting a fire just last Wednesday near Seeley Lake in the northwest corner of Montana.

Trenton will be remembered for his bravery, and I pray that his family and friends find solace and encouragement in the memories of his vibrant but way too short life. He was just 19 years old.

As we pray for rain in Montana, we also pray for the safety and protection of all of our firefighters who, as we speak at this very moment, are still battling blazes all across our State and across the Western United States.

Mr. President, as I said, it is with a heavy heart that I offer prayers of strength and peace to the family and friends of Trenton Johnson. This brave Montanan died fighting a fire last Wednesday near Seeley Lake in the northwest corner of our State. Over this past weekend, in his hometown of Missoula, Trenton's loss was mourned by his family and friends, his fire crew, and many of his fellow Montanans. This 19-year-old was celebrated by many as a successful high school leader and athlete, a student at Montana State University, and a fire crew member in his first season battling forest fires. The tragedy of his passing was felt across the State.

The inherent danger firefighters face with bravery when they defend the lives and livelihoods of a community from the path of an unpredictable fire is awe inspiring. In Montana, the annual efforts of firefighters at every turn is essential to our collective safety. The men and women who make up these fire crews are a combination of expertise, courage, and grit.

I pray that Trenton's family and friends find solace and encouragement in the memories of his vibrant life, and I pray for the safety of all firefighters still battling blazes across Big Sky Country.

Thank you.

The PRESIDING OFFICER. The Senator from Washington.

HEALTHCARE

Mrs. MURRAY. Mr. President, I am here this evening to stand with the patients and families and communities nationwide to make sure they have a voice to continue speaking out against TrumpCare and to urge our Republican colleagues to stand with their constituents and join Democrats in rejecting this mean bill.

Before I go any further, I want to talk about an incredible group of families I met with recently who are making their voices heard against TrumpCare. These are parents with kids who are battling serious and complex medical conditions. These families have spent the majority of their summer here in Washington, DC, sharing their stories about what having healthcare means to them.

The little lobbyists, young kids 3 years old, 5 years old, should be at home in their neighborhoods like other kids, but, instead, they are here fighting for their own healthcare and their lives.

I held a press conference with these families here in the Capitol, where their parents shared stories about what TrumpCare would mean for them and their families. They spoke about their worries and their fears for the future.

One story was that of Elena Hung and her daughter Xiomara. Xiomara is 3 years old. She will be starting school this fall. You can tell she is one of those kids with incredible energy, who just lights up a room. But Xiomara was born with complications in her lungs, heart, and kidneys. She needs a tracheostomy, a feeding tube, and a ventilator just to stay alive.

Elena has told me what it has meant for her and her family to have healthcare these last couple of years. Elena and her husband both have professional degrees, good-paying jobs, and savings in the bank. They have done everything right, as Elena put it, and played by the rules, but nothing prepared them for dealing with the expensive care Xiomara would need. The hospitalizations, multiple surgeries, and medical equipment have all added up to cost more than \$3 million.

Elena talked about the uncertainty that TrumpCare has caused her family. Because of TrumpCare, she said that they are terrified about lifetime caps coming back and about losing their home or going bankrupt. If they lose their healthcare, Xiomara's 10 pre-existing conditions may make her uninsurable. This is so wrong. The Hung family should be able to focus on Xiomara, the care she needs, and getting the right specialists and therapies to advance her treatment.

The Morrison family, whom I also met with, shouldn't have to worry about their son Timmy getting the care he needs.

Xiomara and Timmy and all the other little lobbyists deserve to be kids, live at home, to go to school, grow up, and just live. That was Elena's message to our Republican colleagues, and I couldn't agree with her more.

I have seen my share of contentious legislation during my time in the Senate. I have seen quite a few Democratic bills that Republicans couldn't stand. I saw Republican bills that Democrats would never vote for. I understand that some of my colleagues may disagree with certain parts of the Affordable

Care Act. But what I can't understand is why anyone would ignore real life stories of their own constituents whose lives have changed and even been saved by this law. For one, that is not how you have a serious policy debate—ignoring your constituents and facts and fudging the numbers. More importantly, that is not what we were sent here to do by the people we represent. They rightly expect and deserve better.

What we have seen for the last 7 years—and since the Republican leadership began their efforts to repeal the ACA—has been truly unprecedented. In January of this year, the Republican leadership kicked Democrats out of the process entirely under reconciliation. Since then they have done everything possible to prevent not just Democrats but anyone other than their own party to be involved in that process—no hearings, no scrutiny, no public input, no expert testimony. When they finally released the TrumpCare bill after months of negotiating in secret in a room of 13 men, it was no surprise that it was immediately rejected by people across the country because it was clear that their bill isn't actually about healthcare—far from it. Their bill is about giving a massive gift to the wealthy and already well-connected on the backs of children and working families and people with disabilities and the sick and elderly.

So Democrats, Republicans, Independents, and millions of people have stood up and said no to this awful bill, no to increasing costs to families and seniors, no to putting insurance companies back in charge, no to kicking tens of millions of people off their health insurance, no to attacking women's health and rights. In fact, one study came out showing it was the least popular bill in three decades.

I guess it is no surprise that my Republican colleagues didn't want to defend this bill, but here is what is frankly appalling: What did Republican leaders do in the face of large-scale, popular rejection of the bill? What did Republican leaders do after Members of their own party said that they couldn't vote for it without massive changes to help more people? They made the bill worse. They did nothing to address the concerns that even many Republicans—Governors, Senators, and so many others—had about the massive cuts to Medicaid that would be devastating to patients and to our States. They did nothing to truly address the defunding of Planned Parenthood and cutting off access to care for millions of women. They included an opioid fund so insignificant that a Republican Governor said it would be like “spitting in the ocean.”

When it comes to affordability and putting insurance companies back in charge, Republican leaders not only didn't fix that problem, they made it a whole lot worse. They caved to the most extreme Members of their caucus by including the Cruz-Lee provision. Now with every sweetener, every

tweak, they have not only made the bill worse, they have made it unworkable, and even in violation of the Senate reconciliation process.

Now, as soon as tomorrow, the Republican leadership is saying that they are going to move forward with either a vote on their failed TrumpCare bill, a vote to repeal the ACA entirely—with no plan to help families who would be devastated—or maybe a vote on the disastrous House version of the TrumpCare bill. Nobody knows, especially our Republican colleagues.

It is like Leader MCCONNELL is setting up Senate Republicans to play “choose your own adventure” with our families' healthcare. Even he does not know for sure where this will end, but he is clearly willing to do whatever it takes to get to yes, and so is President Trump. He is doing what he does—tweeting threats, stirring up his extreme base, sending Vice President PENCE to twist arms to try to convince a few more Republicans to stay quiet about their very legitimate concerns. Yet, as we head toward a possible vote tomorrow, I hope my Republican colleagues—especially those who have already indicated that they oppose this bill and process—will demand better for their own constituents.

I am going to keep saying this until it sinks in, which is that Democrats are ready, as we always have been, to work with Republicans to improve our healthcare system and make healthcare more affordable, more accessible, of higher quality, and to clean up the mess that has now been made with their efforts to sabotage the ACA in order to jam this TrumpCare bill through.

Let's be clear. As President Trump and Republicans have tried to pass TrumpCare legislatively, they have also implemented it by undermining our current healthcare system. Unless they get serious and get to work with Democrats, families are going to face higher premiums in 2018, and they will have fewer choices—all because of partisan political tactics.

This fight is on the razor's edge, and Democrats are going to keep doing everything we can to stop it. We just need a few Republicans to join us, to stand on the side of patients and families and say no to TrumpCare. Democrats will do everything we can to persuade more Republicans to join us, but what has made the difference thus far, what has truly mattered, is when Republicans have heard from their own constituents.

I am here tonight to strongly urge people across the country to ramp up the pressure in these last few hours. Keep calling and tweeting. Double down on your advocacy, and make your voices heard. Again, we have less than 24 hours until the Republican leadership plans to hold a vote.

Republican Senators, we also need to hear from you. Now is the time to stand up, do the right thing, and oppose TrumpCare once and for all.

I know a number of our colleagues are going to be coming to the floor tonight to talk about this, and they will be raising their voices and their concerns. I urge all Senators to stand with us tomorrow and vote no.

Thank you, Mr. President.

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. REED. 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. REED. Mr. President, I am truly dismayed by what we have seen in this Chamber over the last couple of months with respect to the Senate TrumpCare bill.

We are expecting to take a vote tomorrow on the motion to proceed, but at this point, our Republican colleagues have not shared with us exactly what we are proceeding to. We do not know if our Republican colleagues will attempt to replace the ACA with their flawed TrumpCare bill or if they will just vote to repeal the ACA and immediately upend health insurance markets across the country. Not one of these options is acceptable, and I am skeptical that my colleagues will be able to come up with a better solution in the next 24 hours.

For an issue of this magnitude, we should be holding hearings, meetings, and discussions in the committees of jurisdiction, with experts from around the country, much like we did when we worked to pass the Affordable Care Act. In that way, we could have worked together across the aisle to develop ideas that would improve the system in place, not gut it.

There have long been misconceptions about how the Affordable Care Act came to be. For over a year, we held hearings, meetings, and roundtable discussions with Members from both parties and had a robust amendment process in our committees, both in the Senate Finance Committee and in the Health, Education, Labor, and Pensions Committee. I served on the HELP Committee at that time and went through numerous hearings, open discussions, and numerous amendments, and I listened to my colleagues. In fact, the HELP Committee's draft of the ACA included over 160 amendments that were offered by my Republican colleagues. It was truly a bipartisan effort at the committee level to try to at least discuss the critical issues that both sides had identified.

This stands in stark contrast to the bill our colleagues have written in secret this year. Even some Republican Senators were kept in the dark, excluded from the process. There were no opportunities for experts, doctors, patients, and others to weigh in and offer comments. As a result, they have written a bill that is bad for patients, bad

for healthcare providers, bad for States, and bad for the system as a whole.

My colleagues even rejected the chance to hear from States in public hearings about their healthcare systems in terms of what has worked well and what has not. There are examples of States that have done some very innovative things and some examples of States that have had difficulties. We always say that the States are the great incubators for new ideas. Yet the process that was adopted did not incorporate the views in both of the cases—those in which States have done remarkably well and, frankly, when they could have done much better.

We should look to the States to see how we can improve our healthcare system and let them be partners with us in this process. That is what we did in the consideration of the Affordable Care Act. In fact, some States had already worked to expand access to care before the ACA, most notably Massachusetts, with RomneyCare, and we looked carefully at those examples and tried to incorporate those successful ideas in a national model.

By contrast, across the country, Governors and Senators and State legislators—both Democrats and Republicans—are largely opposed to the Senate Republicans' TrumpCare bill because they know it would be a bad idea for their States. State and local officials have crossed party lines and joined together to get the word out about how bad this bill would be for Americans in all States and from all walks of life. My Republican colleagues must heed their advice and abandon this harmful approach.

It is no secret as to why my Republican colleagues have struggled to come up with the votes within their caucus for their repeal efforts. Their proposals are bad for my State of Rhode Island and bad for the country as a whole. In fact, many States with Republican legislatures and Republican Governors have done very well in incorporating the ACA and understand the impact this will have almost immediately on their healthcare systems.

While we do not know exactly what we will be voting on tomorrow, we have some guesses based on some of what Republicans have publicly shared over the last couple of weeks, and each proposal seems to be worse than the next.

First, my colleagues tried to vote on their TrumpCare bill, which would have provided massive tax giveaways to the very wealthiest Americans at the expense of hard-working Americans across the country. This bill would have decimated Medicaid, cutting State budgets and eliminating access to care for seniors, children, and people with disabilities. Fifty percent of the funds in my State go to seniors, and it is roughly equivalent across the country. Typically, it is through Medicaid for seniors who are in nursing homes. If they were to lose that funding, the States could not make it up.

I think every State in this country is struggling with its own fiscal issues—education, transportation and infrastructure—a host of issues. When this money is pulled out, they will not be able to replace it. They will make difficult decisions about cutting back eligibility so that, ironically, middle-class seniors will be the first to feel the brunt of these cuts. That is exactly one of the areas in which we are trying to improve our system, not only of healthcare but of government. Even after doing that, I think they will still come up short, and that is when they will go into the education funding formulas. There are many States across the country now that are already in crisis, and this will just add to the crisis.

None of these fixes, I don't think, will overcome the damage that would be inflicted by the bill. The non-partisan Congressional Budget Office confirmed that last week when it released an updated score of the bill to reflect some of the changes that had been made. The CBO said that under this revised bill—the latest one that has been evaluated—22 million Americans would lose coverage, just like in the previous version of the bill. It said that 22 million Americans—a significant number of our neighbors—would lose their coverage. Many of them are working families, and many of them have children with special needs, and they need this coverage. They would be thrown out.

I was at a Lowe's store in Rhode Island when a young man came up to me—probably in his mid-thirties—and said: Please, Senator, you have to stop this bill. I have a son who has a serious problem.

I believe he told me it was MS.

He said: If, eventually, they remove the lifetime limits on healthcare insurance, as they are talking about, I will be done. I have employer healthcare insurance. I have a good job, and I have benefits, but if they put those lifetime limits back again, I will be bankrupt. My son will not have the care, or he will only get the care through some type of—something—some extraordinary method.

That is the reality. These are our neighbors.

Similarly, the CBO said that out-of-pocket costs would increase across the board and that care would be prohibitively expensive for the sickest and poorest amongst us. That is one of the great ironies here—that the sickest would be paying more and more and more.

The CBO was not misled by these so-called fixes that have come into the bill. In fact, we know that the reality would be even worse, I believe, than the CBO has predicted because it has not taken into account a provision that was added too late to be scored—a provision that would bifurcate insurance markets and separate the sick from the healthy, which would lead to a death spiral in the market that

would all but certainly collapse the market. They are plans that are not really insurance. They are kind of—I don't know what they are. In fact, the CBO could not even call them insurance. But that would qualify as a plan. The healthiest, youngest people would buy it because it would be cheap, and they would have some kind of sense of protection, driving the sickest and older people into other plans, which would increase their costs and, in fact, create this bifurcated system in which either young, healthy people would not have insurance or they would have this insurance, which would not be insurance when they need it. Then you would have more and more people with chronic conditions and illnesses and just the accumulated health issues of age flocking to what is left and bringing down that system. It would be a death spiral.

If that were not bad enough, some of my colleagues on the other side of the aisle decided that the backup plan would be to vote on a bill to repeal the ACA in its entirety on a 2-year delay. They claim that it will give them an opportunity to work out a replacement plan. This is not sound policy. First, they have had more than 7 years to come up with a replacement but have not had any success. At this moment, there is this ad hoc "What do we put in? What do we take out?" The 7 years of supposed study and analysis has produced, apparently, nothing, and they have spent all of this year behind closed doors, coming up with something they think will work, but they have come up with the same results—the same CBO scores, basically. The real end game is not to repeal and replace; it just seems to be to repeal.

My other concern is that even if this repeal is delayed by 2 years, markets will not wait 2 years to react and insurance companies will not wait 2 years to react. They have to provide for decades in terms of actuarial values, in terms of their shareholders. Hospitals will not wait 2 years. They will see this coming to an end. They will start scaling back their programs, their outreach, all of the things they do, and the effects will be imminent.

This effort would leave 17 million more Americans uninsured next year and 32 million more Americans uninsured over the next decade. That is the repeal-and-wait approach. And once again the CBO said this bill will lead to skyrocketing healthcare costs, for the reasons that I suggest: markets will not wait. Markets will move very quickly once they know this is gone. And since in the last 7 years we couldn't get a replacement, the idea that we are getting it in 2 more years is something they won't believe, and it will be immediate and devastating—again, another death spiral for the marketplace. But here we are on the precipice of voting on whether to upend our entire healthcare system so that, in some respects, this President can claim a victory over former President

Obama—not because it is sound healthcare policy but just because of that very complicated relationship. And it is not the right thing to do.

It is long past time for us to leave the campaign rhetoric behind, to get together in a bipartisan fashion, and to work out ways to improve our healthcare system. That is what we attempted to do with the ACA. We sat in meeting after meeting, hearing after hearing—the longest markup, I believe, in the HELP Committee—accepting and voting on Republican amendments and Democratic amendments. That is how we get things done—I hope that is how we get things done.

Healthcare makes up one-sixth of our economy. And when you walk into an ER or a doctor's office, they don't ask you whether you are a Republican or a Democrat, but whether you have insurance. That is the only question they ask: How are you paying for this? If you don't have insurance, then you are in an awfully difficult position, and we know that.

Everybody is going to use the healthcare system in their life. This is not an optional thing. This is not something that is designed for a special group of people. We all will use the healthcare system. And if you can't access it because you have no money or no insurance, maybe you will find a way through the emergency room or some other way, but it won't be the best healthcare and it won't be the most efficient and economical for our country.

In fact, one of the ironies of our healthcare system before the ACA is that we could have large portions of our population with no health insurance, not getting treatment for illnesses that could have been readily fixed while they were in their forties and fifties, and then suddenly at 65, with Medicare, which we all support, they can get treatment they need.

I had an ophthalmologist in my office one day, and they kind of looked around and commented: Well, you are right, because I see people right now coming into Medicare—65, 66 years old—because they had early onset diabetes, which could have been treated by a modest drug regime in their forties and fifties. They are now so sick that they have to have expensive surgery.

That is not effective for the country. With the Affordable Care Act, we were putting our whole Nation, we hoped—from young people, children, all the way through—on a path to good healthcare, so that by the time they get to Medicare, those issues would not be so important.

So I would urge my colleagues to abandon this effort, to begin tomorrow not with a vote on their proposal, but sitting down with both sides, doing the same process that we did. Again, one of the tests of life is, do you allow your colleagues and friends to do what you did, or do you insist they do something else? We are just asking them to do the

same thing we did with the Affordable Care Act over many months of hearings and debate, and then at the end there was a vote.

We are going to see this for the first time tomorrow—the details. We still don't know what is going to be in it. There will be a vote, but it won't be an informed vote. It won't be a result of careful deliberation. It won't be a result of a bipartisan effort. It won't be a result of all the equity holders, including doctors, patients, public health officials, and governors, coming together and saying: We can do this better. That, to me, is a shame.

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

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

MORNING BUSINESS

TRIBUTE TO KIMBERLY BRANDT

Mr. HATCH. Mr. President, I speak today to bid farewell to Kimberly Brandt. Kim has worked for the Senate Finance Committee as the chief oversight counsel for more than 6 years. Kim came to the Finance Committee after years of public service, and she leaves it to again answer the call to public service. While we are sorry to see her leave, I want to take a minute to note the important contributions she has made while on the Finance Committee.

She has coordinated oversight on virtually every conceivable topic within the ambit of the committee's jurisdiction. That work has included IRS, Medicaid and Medicare, Social Security, and trade compliance oversight.

While her work has been both bipartisan and exceptional, Kim is probably equally known to everyone here as the thoughtful baker.

Always cognizant of the little things, Kim made it her life's mission in the Senate to ensure every staffer and Senator had a cookie in their hand when they needed it most. Her mantra that there are only a few things in life a good cookie can't improve has spread like fresh flowers in a spring garden.

It is no wonder the first comment most of my staffers have made is "who will make us cookies?" after hearing that Kim is leaving. The most unfortunate thing, however, is that I am not sure there is anyone who can fill those shoes. Kim's cookies are perhaps the best I have ever had during my tenure in the Senate. Only my wife's lemon bars can compare, and I feel compelled to say that just to ensure I don't end up on the couch tonight.

I mean, my goodness, just talking about Kim's cookies is making me hun-

gry. You just can't beat her peanut butter and chocolate chip cookies.

While Kim's attention to these little things have brought her considerable fame while she has worked here, there is little doubt in my mind that Kim's legacy extends far beyond her cuisine.

As just one example, Kim worked tirelessly through one of the largest investigations of the IRS that we have seen in recent memory. Kim's leadership ensured that our committee's analysis was both grounded in fact and integrity, and though it took several dozen months to complete, I don't believe there is anyone in this body that would dispute that report's precision, thoughtfulness, and earnestness.

She also has become known as the person who tackles complicated issues involving the Medicare and Medicaid Programs and develops creative, thoughtful policy solutions. That has been evident in her recent work on Medicaid over the past year and in her efforts to come up with solutions to the Medicare audit and appeals backlog, as well as the complicated and burdensome Stark rule. In each of these instances, Kim has engaged the impacted stakeholders and the relevant policy folks and come up with legislative ideas that are bipartisan. This is no small task.

It is this type of work ethic and reputable end product that makes Kim the type of person you hate to see leave, but you quietly rejoice that they are going to be the one helping steer the ship in the administration.

Truly, Kim's appointment as Principal Deputy Administrator for Operations at the Centers for Medicare and Medicaid Services, CMS, reflects this administration's desire to have quality individuals helping lead an agency facing daunting challenges. I don't think anyone would contend with the need for strong and informed leadership there. I can think of no one better suited for the position. I would like to take a few minutes to briefly reflect on Kim's experience to explain why I believe that to be true.

Before Kim came to the Finance Committee, she worked as senior counsel at Alston & Bird here in Washington, DC, advising clients on healthcare compliance and fraud and abuse issues. Prior to her work at Alston & Bird, Kim served 7 years as the director of the Medicare Program Integrity Group at CMS. For 5 years before that, Kim worked at the HHS Office of Inspector General as special counsel and director of external affairs and as a senior counsel negotiating False Claims Act settlements and drafting and monitoring corporate integrity agreements.

Just that work experience, in two administrations and a respected law firm, should be enough to qualify Kim for this important role, but I am not done. Kim also worked on authoring OIG's compliance guidance for individual and small group physician practices.

She received her J.D. with a concentration in health law from the