

We have actually gotten a little bit of criticism for that from conservatives, and I am saying: Why? This is federalism.

We are going to repeal the ObamaCare taxes and penalties. We are repealing that. But if a State and a State capitol wants to reinstitute taxes and penalties upon the people in its State and upon the businesses in that State, God bless them. I think it is a mistake, but they should have that choice. In fact, they have that choice now. All we are saying is that you can exercise the right that you currently possess.

The States would choose in 2018. They would implement their choice in 2019. By 2020, ObamaCare would be repealed and replaced. That is our goal: to repeal and replace while achieving President Trump's goals of insuring all, taking care of those with pre-existing conditions, without mandates and at a lower cost.

Now, by the way, let's talk a little bit about federalism. Conservatives have always thought the 10th Amendment, which grants the States every responsibility not delegated to the Federal Government, is an important consideration. That is what we are embracing here—to allow the State to choose.

There are some States in which the Affordable Care Act, I am told, is working well. The folks in California and New York swear by it. It is not working in Louisiana.

A friend of mine got his quote for the renewal of his and his wife's policy. They are 60 and 61, or thereabouts. It was \$39,000 a year—\$39,000 a year for the renewal of a policy.

Yes, Mr. President, it is \$39,000 a year for the renewal of a policy. No one believes me. I put it on my Facebook page, holding up the quote sheet with their names darkened out, but you can see, it is \$39,000 a year. That is the “un-Affordable Care Act.”

As you look around the country, you can see, for example, in Arizona, there was one county that for a while had no insurance company there, and when one came in, it raised the rates 116 percent in one year—more than doubled in one year, on top of the increases in all the previous years.

If California and New York say that the Affordable Care Act is working for them, keep it. It is not working for Arizona. It is not working for Louisiana. It is not working for other States in the Union. Why not take power from our Nation's capital and give it to the State capital, and allow the State capital to come up with a solution that works for that State?

I read an editorial today, and it was out of Rome, GA. It pointed to the Welfare Reform Act, in which a Republican Congress and President Clinton devolved to the States many of the reforms necessary for welfare. It has been considered a tremendous legislative success. They used that example as an endorsement of the approach to federalism we are taking now.

It isn't just that we give power back to the States; we also give power back to the patients. We let them choose the benefits they wish to have. We put in measures such as price transparency so that someone knows how much something costs before she has the tests performed, as opposed to being surprised by a huge bill 6 months later. With that and other means, we give power to patients.

We hope all those who wish to see President Trump's mandates fulfilled to cover everyone, take care of those with preexisting conditions, lower costs without mandates, in the process of repealing and replacing ObamaCare, will endorse the federalism of the Patient Freedom Act as well as those other provisions.

Mr. President, I yield back.

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

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

#### PRIORITIES OF THE REPUBLICAN-LED CONGRESS

Mr. THUNE. Mr. President, every year around this time, House and Senate Republicans get together for a joint conference to share ideas and develop our action plan for the year. Last week, we gathered in Philadelphia for this year's conference, and we had a very productive session. All of us came back energized and ready to achieve big things for the American people.

In November, the American people elected Republican majorities in the House and Senate and a Republican President. That was a tremendous show of trust, and Republicans know it. We are committed to living up to that trust by delivering on the promises we have made.

The last few years have been tough for American workers. Job creation has been sluggish. Wages have been stagnant. Economic growth has lagged far behind the pace of other recoveries, and opportunities for workers have been few and far between. It is no surprise that so many hard-working Americans feel as if they have been left behind. For millions of American workers discouraged over the past 8 years, I want to say this: We hear you. Republicans hear you, and we are going to act.

Republicans have outlined an agenda focused on growing our economy, creating jobs, increasing wages, and lifting the burdens that the Obama administration has placed on the American people.

One big issue that we will tackle this year is repealing and replacing ObamaCare. Seven years ago, ObamaCare was sold to the American people with a lot of promises. The law was going to reduce premiums for families. It was going to fix problems with our health care system without hurt-

ing anyone who was happy with their health coverage. If you like your health plan, you will be able to keep it, people were told. If you like your doctor, you will be able to keep your doctor, people were told. Well, as everyone knows, every one of these promises was broken.

Premiums for families continue to rise. Millions of Americans lost the coverage that they liked. Americans regularly discovered they couldn't keep their doctors, and their choice of replacement was often limited. These broken promises were just the tip of the iceberg. The law hasn't just failed to live up to its promises; it is actively collapsing, and the status quo is unsustainable. Premiums on the exchanges are soaring. Deductibles regularly run into the thousands of dollars. In fact, for 2017, the average deductible for a bronze level ObamaCare plan is rising from \$5,731 to \$6,092. With deductibles like that, it is no wonder that some Americans can't actually afford to use their ObamaCare insurance.

The problems on the exchanges are not limited to soaring costs. Insurers are pulling out of the exchanges right and left, and health care choices are rapidly dwindling. Narrow provider networks are the order of the day. One-third of American counties have just one choice of health insurer on the exchange. One-third of American counties have one option—one option. Tell me that is not a monopoly. This is not the health care reform that the American people were looking for.

Republicans are committed to replacing ObamaCare with real health care reform that focuses on personalized patient-centered health care. One massive problem with ObamaCare is that it puts Washington in charge of health care decisions that should be made at a much lower level. Any ObamaCare reform that Republicans pass will focus on fixing this. We are going to move control from Washington and give it back to States and individuals. Health care issues don't have one-size-fits-all solutions. It is time to stop acting as if they do. States should have power to innovate and embrace health care solutions that work for the individual employers in their State, and individuals should be able to make health care decisions in consultation with their doctors, not Washington, DC.

Another thing we are going to focus on is breaking down the ObamaCare barriers that have artificially restricted choice. As I said earlier, ObamaCare has defaulted to a one-size-fits-all solution when it comes to health care. That means many Americans have found themselves paying for health care that they don't need and don't want. We need much more flexibility in insurance plans. A thriving health care system would offer a wide variety of choices that would allow Americans to pick a plan that is tailored to their specific needs. We also need to give Americans tools to better manage their health care and to control costs. Of course, any reform plan

has to make sure that employers have the tools they need to provide employees with affordable health care coverage.

Mr. President, another priority of the Republican-led Congress will be regulatory reform. While some government regulations are necessary, every administration has to remember that regulations have consequences. The more resources individuals and businesses spend complying with regulations, the less they have available to focus on the growth and innovation that drive our economy and create new opportunities for American workers.

Unfortunately, the Obama administration chose to spend the last 8 years loading employers with burdensome regulations. According to the American Action Forum, the Obama administration was responsible for implementing more than 675 major regulations that cost the American economy more than \$800 billion. Given those numbers, it is no surprise that the Obama economy left businesses with fewer resources to dedicate to growing and creating jobs. Repealing burdensome regulations is one of the most important things we can do to get our economy healthy again. That is going to be a Republican priority.

Mr. President, another big thing we can do to make America competitive again is to reform our outdated Tax Code. That will also be a Republican priority this year.

Right now, the Congressional Budget Office is projecting that our economy will grow by an average of just 2 percent over the next 10 years. If we can increase that growth by just 1 percent, we would see average incomes rise by \$4,200. Just get the growth rate from an average of 2 percent, which is what the CBO is projecting for the next 10 years, to 3 percent, and incomes go up by \$4,200. We would see an additional 1.2 million jobs created in our economy, and we would see much faster increases in the standard of living.

So many younger Americans today are finding that they are not able to enjoy the same standard of living that was enjoyed by their parents because of a sluggish economy that is growing in that 1-percent to 2-percent range. One of the ways to achieve that kind of growth, to get back to a 3- to 4-percent growth in our economy, is to reform our broken Tax Code.

The current Tax Code is costly, complex, and frequently unfair. Some corporations benefit from special rules, deductions, and credits, while others are forced to pay the highest corporate tax rates in the developed world. More and more American companies are focusing their business operations overseas because the tax situation is so much better abroad. That means American jobs are going overseas with them. Instead of pushing employees out of the country, we should bring our Nation's tax rates in line with those of other countries to keep more jobs here in the United States.

We should make our whole Tax Code flatter, fairer, and less complex. Our Tax Code should work for all taxpayers, not just a privileged few. A simpler, flatter, and fairer Tax Code will make U.S. businesses more competitive in the global economy, and it will help businesses create new good-paying jobs for American workers. It will jump-start our economy and ensure long-term economic growth.

Finally, Mr. President, Republicans in the Senate have another important trust to uphold this year, and that is confirming a new Supreme Court Justice. We are committed to confirming a well-qualified nominee with the right temperament to sit on the Court and have the proper understanding of the role of the Court in our country. Supreme Court Justices are umpires. They call balls and strikes; they don't write the rules of the game. The job of a Supreme Court Justice is to interpret the law and the Constitution, not rewrite the law based on his or her personal opinions.

Democrats have spent a lot of time talking about the need for nine Justices on the Supreme Court. Republicans trust that they will follow through on their statements by working with us to confirm the President's nominee.

To every American who voted for change in November, to every American frustrated with the sluggish economy and a lack of opportunity, I want to say again that we hear you. The Republicans hear you. We are not going to let you down. We will spend the 115th Congress fighting for your priorities, and we will not rest until every American has access to a future of security, hope, and opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Illinois.

Mr. DURBIN. Mr. President, what is the issue before the Senate?

The PRESIDING OFFICER. The Tillerson nomination.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, Rex Tillerson of ExxonMobil has been nominated to be our Secretary of State. We are going through a procedural 30 hours of debate, moving to that issue. As we can tell, many speeches are being given on the floor on a lot of different topics, but the underlying order of business is the next Secretary of State of the United States of America. His nomination comes to us at a particularly challenging time. We live in a dangerous world. We know that. We learned it on 9/11, and we learn it every day when men and women in uniform are risking and sometimes sacrificing their lives for this great Nation.

We also live in a complicated moment in time with the changeover in Presidents and clearly a changeover in foreign policy. We note that in the first 12 days—the first 12 days of the Trump Presidency—how many serious foreign policy issues have arisen, some the cre-

ation of the new President of the United States.

It is customary, it is traditional, for the President of the United States to make one of his first major visits to Mexico, or Mexico to the United States. The reason, of course, is they are our third largest trading partner, and in so many different areas, we work together closely with Mexico. We certainly work together with them on issues of security, issues of terrorism and narcotics and trade issues that go on, on a daily basis. Unfortunately, this new President Trump is off to a rocky start with the President of Mexico, to the point where the President of Mexico canceled his visit to the United States.

Strong statements were made during the campaign by President Trump about building a wall and the Mexicans will pay for it. How many times did we hear that? Over and over again, the Mexican Government has said: We will never pay for it. So that standoff over a campaign threat or promise is at this moment inhibiting a relationship which traditionally has been strong for generations.

Secondly, since being elected President of the United States, President Trump has said that NATO is obsolete. NATO is the alliance created after World War II to protect Europe against aggression from outside, particularly from the Soviet Union. Since the fall of the Soviet Union, NATO has expanded to include many other countries—the Baltics, for example, and Poland. As a result, these countries have become dependent on NATO for their security.

The theory behind NATO is very basic. If one of our NATO allies is attacked, we will all defend. So we can understand why a small country like Lithuania, Latvia, Estonia, even Poland, realizing that they are vulnerable to Russian attack, count on NATO. When the President of the United States says that NATO is obsolete, people living in those countries wonder: What about tomorrow? What happens tomorrow if Vladimir Putin, who has been guilty of aggression in Georgia, as well as Ukraine, decides to pick a Baltic country next?

So the uncertainty created by President Trump's statement on NATO is one that haunts us to this moment.

But the one that is really overwhelming over the last few days is President Trump's Executive order when it came to refugees and immigration. The story of refugees in the United States does not have a good start. Going back to World War II, a man named Breckinridge Long was in charge of immigration into the United States during that war. He worked in the administration of Franklin Roosevelt. Sadly, his view on refugees was harsh, and as a result, the United States was caught up many times denying access to the safety of the United States to people who were vulnerable to persecution and genocide. The most noteworthy example was the

SS St. Louis in 1939, which brought 900 people from Nazi Germany to the United States to escape the Holocaust. They were turned away. They were forced back into Europe, and hundreds died as a result of it. That was the policy of the day.

When Robert Wagner, the Senator from New York, asked that we allow 10,000 German children to come into the United States to escape the Holocaust, that measure was defeated in committee in the U.S. Senate—children coming to the United States.

After World War II, when we saw 6 million Jews killed in the Holocaust and so many others whose lives were compromised and lost, we decided to change the U.S. approach when it came to refugees. Instead of pushing back against them, we began to embrace them. And do you know what has happened since? We developed a reputation around the world as the safe place to be, the country that cared. Ask over 600,000 Cubans who came to the U.S. shores to escape Castro's regime. Remember, at that time, Castro had allied with the Soviet Union, our mortal enemy of the Cold War. Yet, without vetting—without extreme vetting—we said to these Cubans: You are welcome to be safe in the United States, and they came in the thousands. Are they an important part of America? You bet they are, and there are three Cuban-American U.S. Senators to prove it.

Today, a question has been raised by the Trump regime as to what our view is going to be toward refugees in the future. Thank goodness we didn't raise it with Cuba, nor did we raise it when Jews in the Soviet Union were facing persecution. They asked for a chance to come to the United States. Synagogues and communities across the United States opened their arms and gave them a chance, and over 100,000 came to our shores. We are better for it. We really have demonstrated that our ideals and values as a nation apply to those who came to our shores.

The list goes on and on, from Yugoslavia to Viet Nam, to Somalia, and many other places where the United States has shown that we are a caring nation. Now comes this new President who says: It is America first; we are going to redefine this refugee policy.

Well, this redefinition of America around the world is something that many of us believe is just plain wrong. These Executive orders were issued by President Trump without consultation with even his own Cabinet members who have been appointed. Those in the area of national security, for example, weren't consulted before these Executive orders went into effect. When I talked to the Department of Homeland Security and Customs and Border Protection, it turns out they were given instructions at the last minute as to how to treat passengers coming into international terminals over the weekend.

I know what happened at O'Hare. Over 130 people were stopped and de-

tained and questioned, and some were never allowed to board planes in other countries, and some were returned to those countries. It was chaotic. It didn't show basic competency in running a government, and it was fundamentally unfair.

Let me say it wasn't just a matter of an uncomfortable situation. It wasn't just a situation of people being inconvenienced. One of our priorities when it comes to refugees, even from those seven countries that President Trump noted, were those who were in desperate medical conditions. So when the President said: I just wanted a pause—a pause for these seven countries—let me ask what we think that pause means to that 9-year-old Somali child in an Ethiopian refugee camp with a congenital heart disease that can't be treated anymore in that camp and who was finally going to get to come for medical care in the United States. That pause by President Trump could be deadly. A 1-year-old Sudanese boy with cancer. A Somali boy with a severe intestinal disorder living in a camp that doesn't even have medical facilities. A pause. We will get it together. We will get back to you later. That is the kind of human condition that is being affected by these orders issued by our new President. Is it any wonder that so many people around the world have reacted?

First, they should react when it comes to our security. Do we know how many terrorist refugees have come from these seven countries on the list? None. Not one. Not one Syrian refugee has engaged in terrorist activities in the United States. If you watched "60 Minutes" over the weekend, you will understand why.

This is not an easy ask. You don't just hold up your hand and say: I am ready to go to the United States. You first submit your name to the U.N. Commission on Refugees. Then we cull the list to find the ones we might consider in the United States, and that is about 1 percent. Then we put them through a vetting process that can go on for 2 years—2 years of being interrogated, investigated, examined, watched, and challenged. Then, finally, after those years, they may have a chance to come to the United States.

So now we are going to move to extreme vetting? What is that going to be—trial by fire? What is left? We are doing the very best. The fact that there has not been one refugee from any of these countries engaged in terrorism is an indication that we have a good process that is stronger than any nation on Earth. Yet the President has said we are going to stop these refugees from coming indefinitely from Syria and for months from these other six countries.

Then he made a statement on a Christian broadcasting show that he was on that really went far over the line. During the course of the campaign, he said repeatedly: This will be a Muslim ban. Then he said: They told me to stop saying "Muslim ban," so he stopped for a while.

It turns out that Rudy Giuliani, the former mayor of New York, said: Well, he called me in and said, How do I put together something legal that is a Muslim ban? I think Mayor Giuliani may have been speaking out of school, but it is an indication of what was really going on in the Trump campaign and this administration.

On this Christian broadcasting show, the President was explicit that he would give priority to Christians because he believes they would be persecuted in those countries. That flies in the face of some fundamentals in this country—the fundamentals of our Constitution—because we have said that when it comes to religion, this government shall not favor any religion. Here we have the President of the United States on a television show saying the opposite.

It is being challenged in court, at least to some extent. It has been slowed down by retraining orders issued by Federal courts and judges around this country.

Last night, the Acting Attorney General, Sally Yates, said that in good conscience, she could not defend President Trump's decisions in these Executive orders. For that act of courage, she was fired. I am sure she expected it. But I want to say that for a woman who has given her life—20 years of it, at least—as a prosecutor and who had an exemplary career at the Department of Justice, my hat goes off to her. I think she did what she thought was right and faced the consequences. History will prove her right and this decision by the administration wrong.

So now we have Rex Tillerson, who wants to be Secretary of State of the United States of America. How would you like to take over that job tomorrow in light of what I have just mentioned—the Executive orders issued by the President without consultation with the Department of State; judging NATO to be obsolete in his Twitter; and then having a relationship with Mexico where the President is cancelling trips to the United States, not to mention other things said about China and other countries. It is an awesome challenge. It is a challenge that we have to ask whether Mr. Tillerson is prepared for. He has had 40 years of success with ExxonMobil, starting as a production engineer and going to the top of the company. Now the question is, Is he ready to give up his loyalty to a company and to have a loyalty to a country even if the decisions he has to make as Secretary of State may be inconsistent with the best business policy for that company?

I am going to yield the floor. I see my colleague from the State of Wyoming is here. I believe this will be ongoing, so I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Wyoming.

**NOMINATIONS OF JEFF SESSIONS AND TOM PRICE**

**Mr. BARRASSO.** Mr. President, I wish to congratulate the current Presiding Officer for his ascension to the