

I hope our colleagues will listen to these concerns. This is the first vote in the dismantling of the Affordable Care Act. It is the first opportunity we have to say: Either tell us what is working or tell us what you are for.

But on Mr. PRICE, all we have is his record. And I hate to say, his record, by capping and desiring to cut Medicaid and Medicare, is not the direction our country needs to go.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

#### NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, I rise to speak about two of President Trump's nominees. I will first address Nominee Gorsuch to the Supreme Court. Then I will discuss the nomination of TOM PRICE to be Secretary of Health and Human Services, which is currently pending before the Senate.

Last week, President Trump nominated U.S. Circuit Judge Neil Gorsuch to fill the vacancy left by the death of Supreme Court Justice Antonin Scalia. I want to address both the process and the substance of what lies ahead for the Senate.

The Constitution gives to the President the power to nominate and, subject to the Senate's advice and consent, the power to appoint judges. The first step in the Senate exercising its power of advice and consent is to decide the best way to handle a nomination made by the President.

The Constitution does not mandate a one-size-fits-all process. In fact, the Senate has handled the Supreme Court nominations in at least a dozen different ways.

Nearly 1 year ago, shortly after Justice Scalia's death, I explained on the Senate floor the two reasons the next President should choose his replacement. First, the circumstances and timing of the Scalia vacancy supported separating the confirmation process from the Presidential election season, which was a hard-fought Presidential election.

When he chaired the Judiciary Committee in 1992, then-Senator Joe Biden urged the Senate not to consider a Supreme Court nomination in that Presidential election year. Each of his four reasons applied, with even greater force, to the circumstances we faced last year.

Second, I said that elections have consequences. The American people were increasingly concerned about the illegal and unconstitutional actions of the Obama administration, actions that the courts struck down dozens of times.

The two Presidential candidates last year represented very different ideas about the power and proper role of judges in our system of government. The American people, therefore, had a unique opportunity to address the future course of the judiciary in general and the Supreme Court in particular.

Not surprisingly, the percentage of American voters who said that the Su-

preme Court was a very important issue tripled between 2008 and 2016. The issue was always when, not whether, the Senate would consider a nominee to fill the Scalia vacancy.

Plunging into a divisive, ideological confirmation battle in the middle of a confrontational and ugly Presidential campaign would have done more harm than good to the judiciary, the Senate, and the country. We were right to avoid such damage and, as a result, today we can focus properly on the appointment of Justice Scalia's successor.

Democrats and their left-leaning allies, however, sound as though they exist in some kind of parallel universe. In editorials since the election, for example, the New York Times claims that Republicans stole this Supreme Court seat from President Obama.

I am sure they are in denial about the election results, and some observers have called this bizarre fiction sour grapes. I think that gives sour grapes a bad name, between you and me.

No judicial position, including the Supreme Court seat occupied by Justice Scalia, belongs to any President. President Obama exercised the power that the Constitution gives him by nominating someone to that vacancy. The Senate exercised the power that the Constitution separately gives us by not granting consent to that nomination.

I have news for my Democratic colleagues: Not getting your way does not mean that anyone stole anything; it just means that you did not get your way.

When Chairman Biden refused to give a hearing to more than 50 judicial nominees during the 103rd Congress—a record, by the way, that still stands—the New York Times never said that those seats were being stolen from President Bush.

When Democrats blocked a confirmation vote 20 times during the 108th Congress, the Times never accused Democrats of theft but was right there egging them on.

Republicans last year decided to defer the confirmation process without knowing who would win the election. Democrats this year are objecting because of who won the election, even though at the time, it looked as though Hillary Clinton was a sure winner.

I think we should stop the nonsense and act like grownups because we have work to do.

Turning to that work, the task before us is to determine whether Judge Neil Gorsuch is qualified to serve as an Associate Justice of the Supreme Court. Qualifications for judicial service include both legal experience and judicial philosophy, and I believe we should look at a nominee's entire record for evidence of these qualifications.

Judge Gorsuch's legal experience is well documented and widely acknowledged. Judge Gorsuch clerked for two Supreme Court Justices, spent a decade in private practice, and then served as

Acting Associate Attorney General. His qualifications for the U.S. Court of Appeals were so obvious that the Senate confirmed him in 2006 without even a roll call vote.

Let me put that into perspective. During the 4 years that Republicans were back in the majority, 2003 to 2006, the Senate took roll call votes on 86 percent of judicial nominations. Democrats were demanding roll call votes even when, as happened 82 percent of the time, the nominations were unopposed. In other words, it was a very rare exception for a judicial nomination to be confirmed without a roll call vote at all. That is how self-evidently qualified this nominee was for the appeals court.

In 11 years on the appellate bench, he has authored hundreds of majority or separate opinions, many of which have been widely praised. There is no question that Judge Gorsuch has the legal experience to serve on the Supreme Court.

As I have said many times, the conflict over judicial appointments is really a conflict over judicial power. The more important qualification for judicial service, therefore, is a nominee's judicial philosophy, or his or her understanding of the power and proper role of judges in our system of government—in other words, the kind of Justice he will be.

Federal judges have two basic tasks. They can perform those tasks in two basic ways. Their tasks are to interpret and apply the law to decide cases. They can perform those tasks impartially or politically.

An impartial judge interprets statutes and the Constitution to mean what they already mean, while the political judge interprets them to mean what he wants them to mean. When an impartial judge applies the law, he deliberately excludes his own views and does not put his thumb on the scale to make sure the results of the case benefit a particular party or group.

The political judge accepts, and even embraces, that his background and biases shape his decisions and considers how individual decisions will affect other parties, groups, or issues.

Our system of government, and the liberty it makes possible, requires impartial judges in all cases.

In his farewell address in 1796, President George Washington said that the heart of our system of government is the right of the people to control the Constitution. One of his original Supreme Court Justices, James Wilson, described our system of government by saying that here, the people are masters of the government. Our liberty can be secure only if the people control the Constitution, only if the people remain masters of the government. That cannot happen if judges control the Constitution because then, government will be the master of the people. That is why the kind of judge Presidents appoint is so important. Impartial judges

let the people govern; they let the people govern themselves. Political judges do it for them.

The best way to tell which kind of Justice the nominee before us will be is to assess the kind of judge he already is. One of the most obvious places to look is in the opinions he has been writing for more than a decade. Last year, for example, the Tenth Circuit had to decide whether to use the Constitution to create new categories of lawsuits against law enforcement officers. Judge Gorsuch agreed that the courts should resist doing so and wrote:

Ours is the job of interpreting the Constitution. And that document isn't some inkblot on which litigants may project their hopes and dreams . . . but a carefully drafted text judges are charged with applying according to its original public meaning.

In other words, the Constitution is not a blank check a judge may write to whomever, and for whatever amount, they like. It is not a shape-shifting blob that judges can manipulate into whatever they want it to be.

In this view, Judge Gorsuch was merely echoing America's Founders. Thomas Jefferson, for example, argued that if the Constitution means whatever judges say it means, the Constitution will become "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."

He was right. The Constitution, after all, is the primary way the people set rules for government, including for the judiciary. If the people are to remain masters of the government, they must remain masters of the Constitution, and that includes not only what it says but also what the Constitution means.

Impartial judges take statutes and the Constitution as they are, not for what they say but also for what they mean.

Political judges act as if the people and their elected representatives established a Constitution or enacted statutes that are merely collections of words with no meaning until judges fill in those blanks. Judge Gorsuch is an impartial judge. Anybody looking at the record has to know that. He knows that he is to interpret but cannot make the law. He knows that the Constitution must control judges, not the other way around.

Last year, Judge Gorsuch delivered a lecture about Justice Scalia's legacy at Case Western University School of Law. In that lecture, Judge Gorsuch embraced a defined judicial philosophy and made clear the kind of judge that he is.

I referred to this lecture in my remarks last week, and this week I sent it to each of my colleagues on both sides of the aisle. I truly hope each and every Member of this body will read it carefully because it helps answer the most important question before us in exercising our power of advice and consent: What kind of Justice will this nominee be?

In his lecture, Judge Gorsuch said—and I will refer to the chart again—"Judges should be in the business of declaring what the law is using the traditional methods of interpretation, rather than pronouncing the law as they might wish it to be in light of their own political views, always with an eye on the outcome."

Some Senators and liberal groups have already stated that they oppose this nomination. Perhaps they think judges should be in the business of pronouncing the law as they might wish it to be in light of their own political views.

Judge Gorsuch said in his lecture that the task of a judge is to interpret and apply the law rather than, as he put it, "to amend or revise the law in some novel way." Perhaps his critics believe the opposite, that judges actually do have the power to amend and revise the law in novel ways.

Last year, Judge Gorsuch echoed America's Founders in saying that the power of the legislative branch to make law and the power of the judicial branch to interpret law should be kept separate and distinct. Confusing them, he said, would be a grave threat to our values of personal liberty and equal protection. Perhaps his critics believe it does not matter whether judges make or interpret the law.

Last year, Judge Gorsuch said that judges must "assiduously seek to avoid the temptation to secure results they prefer." What the law demands, he said, is more important than the judge's policy preferences. Perhaps his critics think judges should give in to that temptation, putting their preferred results ahead of what the law demands?

The more we find out about Judge Gorsuch and his judicial philosophy, the more we should ask what his opponents and critics really find so objectionable. If Democrats and their left-wing allies believe that judges, rather than the people, should control the Constitution, they should come right out and say so. If they believe that the political ends justify the judicial means, that judges may manipulate the law to produce politically correct results, then they should be honest about it and defend that radical idea to the American people.

As I close, I want to offer some wisdom from DANIEL WEBSTER, who served in the House and Senate and twice as Secretary of State under three different Presidents. In a speech on March 15, 1837, he said:

Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Well, there are also judges who mean to be good masters, but they do indeed mean to be masters. They mean to govern well, but they do mean to govern.

That kind of judge compromises the heart of our political system and undermines the liberty that it makes possible.

Judge Neil Gorsuch has no intention of governing, of being any kind of master of the Constitution or of the people. He is, instead, an impartial judge, the kind who follows rather than controls the law. He will be the kind of Justice that America needs on the Supreme Court.

Mr. HATCH. I thank you, Madam President.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Nebraska.

Mr. SASSE. Madam President, I would like to thank the Senator from Washington State and the Senator from Michigan for allowing me to sneak in here quickly.

I thank the Senator from Utah for his comments.

Mr. HATCH. I still have one more speech to give.

Mr. SASSE. I yield to the chairman of the committee.

Mr. HATCH. I will try to make this very brief.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Madam President, I would like to turn to the business currently before the Senate and express my support for the nomination of Representative TOM PRICE to be the Secretary of Health and Human Services at this critical juncture.

HHS encompasses an extremely large and diverse set of agencies, including the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Food and Drug Administration, just to name a few. All told, its annual budget is more than \$1 trillion—that is trillion with a "t."

The various programs and agencies that fall under HHS's purview have an enormous impact on our Nation's fiscal and economic outlook. I am not exaggerating when I say that HHS affects the daily lives of more American taxpayers than any other part of the Federal Government.

Management of all these agencies is not for the faint of heart. Once confirmed, Dr. PRICE will have his work cut out for him, but I believe he is more than up to the challenge. He has proven that over the years.

Dr. PRICE has extensive insight into our Nation's health care system, having practiced medicine for two decades in a variety of settings. That experience has informed his years of service in the House of Representatives, which included a tenure as chairman of the House Budget Committee and in the leadership in the Ways and Means Committee.

While many who come to Washington are content to sit back and talk about our Nation's problems, Dr. PRICE has always sought to find solutions. At a time when our health care system is in distress, I believe Dr. PRICE will put his

vast experience to good use and be decisive in not only working with Congress to find solutions but implementing them as well.

My view on his qualifications is shared by a great number of people, including many who see the problems in our health care system up close. For example, former HHS Secretaries Mike Leavitt and Tommie Thompson enthusiastically support his nomination. Major stakeholder organizations, including the American Medical Association, the American Hospital Association, most surgical specialty groups, and others, also support him. In their letter of support, the Health Care Leadership Council, which represents a wide range of health care providers, said that “it is difficult to imagine anyone more capable of serving his nation as the Secretary of HHS than Congressman TOM PRICE.” I couldn’t have said it better myself.

Of course, none of this seems to matter to some of my colleagues on the other side. They aren’t coming to the floor to criticize Dr. PRICE’s abilities or qualifications; instead, most of what we have heard for weeks now is focused on a vague patchwork of allegations of ethical impropriety on the part of the nominee.

I have participated in quite a few confirmation debates during my time in the Senate, and even over this agency. One thing I have learned is that if the opponents of a particular nomination keep moving their focus from one set of allegations to another, more often than not, they don’t have a leg to stand on. That is very much the case with regard to the attacks that have been hurled at Dr. PRICE.

First, we heard about supposed conflicts of interest in his finances, until it was pretty clear that Dr. PRICE had followed all the required ethical guidelines and disclosure requirements of the House.

After that, he was accused of lying to the Senate Finance Committee during our vetting process because he had to file an amended disclosure to include some mistaken omissions. Of course, this is not altogether an uncommon occurrence, particularly given the fact that the Finance Committee’s vetting process is uniquely exhaustive. It happens in almost every case where you have people who have had a complicated life or work life. Furthermore, he was asked about this during his confirmation hearing, and his answers were reasonable, and I haven’t heard anyone credibly argue that he was intentionally trying to mislead the committee.

I will set aside the fact that the particulars of Dr. PRICE’s disclosures to the Finance Committee—information which is typically kept private among members and staff—were apparently managed and embellished in order to create and reinforce a partisan narrative with the media. Instead, I will simply say that the Finance Committee’s bipartisan vetting process for

nominees has historically operated on an assumption of good faith, both on the part of the nominee and the members of the committee. The fact that my colleagues on the committee, in many respects, have decided to cast all that aside in recent weeks is not evidence of wrongdoing on the part of Dr. PRICE.

When the overblown claims about his disclosures failed to gain traction, my colleagues on the other side turned their focus to a particular investment in an Australian biomed company in 2015. Their claim: Dr. PRICE received a “sweetheart deal” from the company which allowed him to purchase stock at a discounted price. They also argue that he lied during his confirmation hearing when he said he paid the same price for the stock as everyone else at that time.

Now, my colleagues would have everyone believe that private placement investment arrangements are inherently shady and nefarious. Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise—

Madam President, let me yield the floor to Senator SCOTT.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Madam President, I yield 30 minutes of my time during the debate of Congressman PRICE to Senator HATCH.

The PRESIDING OFFICER. The Senator has that right.

Mr. HATCH. I sure appreciate my colleague because I have run out of time here and I still have things to say.

Mr. SCOTT. Yes, sir.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Well, let me just go back.

Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise additional capital from a small number of investors. I know because I used to practice law and I did a number of private placements in my experience.

The facts in this matter are relatively simple: The Australian company, Innate Immunotherapeutics, had a relatively small number of U.S. investors at the time. It is my understanding that all of the investors who had participated in a previous share offering were offered an opportunity to purchase additional stock as part of a private placement arrangement. Dr. PRICE purchased additional stock at the price that was offered to all the investors in that group.

Once again, private placements are commonplace investments, not nefarious conspiracies that some of our colleagues would have us believe. And I can certainly testify to that. According to all the available details, this particular investment was in compliance with all of the laws and regulations that govern those types of deals. In

fact, as private placement investments go, this one appears to be fairly unremarkable, unless, of course, you just assume without evidence that there simply had to be something fishy going on—an assumption that I don’t think could be made.

Put simply, this investment arrangement was a perfectly normal, commonplace affair. There is certainly no evidence to suggest that there was any insider trading, as some of my colleagues have alleged.

On top of that, Dr. PRICE’s statements before the Finance Committee, despite many claims to the contrary, appear to be truthful unless you simply want to assume without evidence that he has to be lying. What a situation that our colleagues try to put this good man in. It is disreputable, in my opinion.

By all accounts, Dr. PRICE purchased the Innate stock at the same price offered to all other participants in the private placement which, by the way, also included a few thousand investors from Australia and New Zealand. That is what he told the committee and that, by all appearances, is the truth. We certainly haven’t seen any evidence to the contrary. Sure, my colleagues on the other side have thrown a lot of dots on the wall, apparently hoping they can create a cloudy impression that something nefarious just had to be going on with this investment, even though they haven’t come close to connecting any of the dots. They have parsed words, they have divined alternative meanings behind the nominee’s statements. But let me be clear, no one has produced any credible evidence of wrongdoing on the part of Dr. PRICE. Those of us who know him know that he never did any wrongdoing and, frankly, never intended to do anything that was wrong.

That being the case, it is utterly shameful that my colleagues would go to such elaborate lengths in order to malign not only a nominee for a Cabinet position but a sitting Member of the U.S. Congress. There ought to be some courtesy here, and I am kind of shocked that there isn’t. Of course, we went through a fairly ugly episode the other night about the same issue, though that one hit a little closer to home as the nominee under attack was a fellow Senator.

I don’t want to rehash that argument here today. Instead, I will say this. I know some people like to fight around here. For some, it seems the fighting is half the reason they are here to begin with, and neither party is blameless in that regard. Do you know what? If my colleagues wanted to have a fierce and lively debate about this nominee’s qualifications or his views on policy, I welcome that debate. He is a tremendous human being, a tremendous doctor, with all kinds of experience, and has been a wonderful Member of the House of Representatives for both parties—as a Republican. If they want to fairly debate his record as a legislator

and a public servant, I am game. I will be glad to do it with them, but to throw accusations at a congressional colleague, and even go so far to accuse him—without evidence—of criminal wrongdoing is, in my view, beneath the dignity of the Senate.

That is precisely what has happened to Dr. PRICE. Ultimately, my colleagues' specious arguments and their desperate attempt to block Dr. PRICE's confirmation would all seem far more sincere if he were the one nominee or even one in a small handful of nominees they deemed unfit to serve, but that is not what is happening.

My colleagues on the other side have appeared to be apoplectic about almost every single nominee we have had before us. The confirmation of any of President Trump's Cabinet nominees, it seems, will bring about untold destruction, the likes of which America has never seen.

With so many of these nominations, the entire process has been wrought with fever-pitched arguments, accusations, and apocalyptic visions of a future world gone mad. We hear it in committee. We are hearing it on the floor. Then the Senate votes, the nominees are confirmed, and my colleagues immediately switch gears to do the very same thing with the next nomination. Some of them even switch gears and come up to the nominee with smiles on their faces and congratulate him or her.

One can only wonder how so many Senators can keep their outrage settings turned to 11 without getting completely exhausted around here. I expect they are able to do so because their outrage is more show than anything else. Indeed, I suspect that the outrage that has been on display has less to do with the particular nominees and more to do with a longer term political agenda. In service of that partisan agenda, my colleagues appear to be more than willing to cast aside the traditions, respect, and assumptions of good faith that have long been the hallmark of the Senate confirmation process and of the Senate itself.

I am very concerned with the way this has gone on here. I am concerned with the way my colleagues are treating another respected colleague from the House. We have seen it in committee. We are seeing it on the floor. In my view, it is a tragic shame.

The bottom line is, Dr. PRICE is, by any reasonable objective standard, qualified to serve as HHS Secretary. Some people would say he is qualified just because he has made it all the way to Congress and he ought to be treated with equal respect, but I will not even go that far. I will just say, by any reasonable and objective standard, he is qualified to serve as HHS Secretary. There is nothing in his past record or statements that disqualifies him to serve in that capacity. In a better world, he would be confirmed already. People would be shouting hooray that this good man will take the time and

spend the effort to take this very thankless, very difficult job—and to leave Congress in the process. I suspect he will be confirmed in short order.

Once again, I do urge my colleagues to vote with me to confirm Representative PRICE. I really believe we ought to get past this is picayune stuff that has been going on, on the floor. We ought to get past that and truly, truly support a good man from the other body who we all know is honest and decent and allow him to see what he can do to straighten out this tremendously complex Department of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I rise in defense of Michigan seniors and working families and to speak on the nomination of Representative TOM PRICE to be Secretary of Health and Human Services. As a Member of this body, it is my duty to only support a nominee for this position if I trust that he or she will put the health and wellness of American families first.

Representative PRICE has failed to convince me that he will do this. As a doctor, he should be familiar with the Hippocratic Oath. Reciting this oath is a rite of passage for our physicians and our Nation and across the globe. While it is known most widely for its overarching message of "do no harm," I wish to recite a passage from the modern version of the Hippocratic Oath that should resonate with all of us. It reads:

I will remember that I do not treat a fever chart—a cancerous growth—but a sick human being—whose illness may affect the person's family and economic stability. My responsibility includes these related problems, if I am to care adequately for the sick.

We should all heed these words. Health care is deeply personal. Some of the most important decisions Americans will ever make will be with the advice of their loved ones and their doctor.

Health care affects our families and the economic stability of our families. Quality, affordable health care can literally be the difference between life and death. A Medicare system that works for seniors can be the difference between a retirement with dignity and having to spend their golden years in poverty.

When it comes to our Nation's seniors, Congressman PRICE has crafted extremely dangerous proposals that would end Medicare as we know it. He has introduced legislation that would turn Medicare into a voucher system, increase the eligibility age for seniors to enroll in the program, and lead to increased drug costs.

Our Nation's seniors worked hard their entire lives and they deserve a dignified retirement—not higher drug costs or a voucher that could be worth less each and every year, putting a significant strain on their fixed budget. We must honor our promises to current

and future retirees by refusing to confirm any HHS nominee who is not fully committed to protecting our seniors and ensuring they have the health care they need. We need a Secretary who wakes up every morning thinking about how to provide the best care possible to as many Americans as possible and as affordably as possible.

I am concerned that Representative PRICE sees our health care system as a profit center, a profit center for special interests and a profit center for himself. He has proposed dangerous plans to end critical investments that make our health care system better so he can give large tax breaks to some of his wealthy friends.

The American people should be confident that the men and women leading Federal agencies are thinking about the bottom line of taxpayers and not themselves. We must be faithful stewards of taxpayer dollars. I wish to remind my colleagues that Medicare and Medicaid spend far less on overhead and operations than private insurance.

I would also like to remind my colleagues that the Republican budget plan that includes repealing the Affordable Care Act would increase our national debt by upward of \$9 trillion over the next decade. Yes, that is trillion with a "t." We must continue efforts to cut waste and inefficiencies across the Federal Government, especially in health care. Increasing efficiencies allows us to invest in what works.

Medicare and Social Security are two of the most popular Federal programs ever created, and they are popular for a reason. They work. They work for seniors, they work for the disabled, they work for orphans, and we should too.

When I hear from Representative PRICE that he wants to fundamentally change Medicare and Medicaid and implement health care reforms that will limit care for American families, this is something I cannot and will never support.

Representative PRICE has introduced proposals to cut over \$1 trillion from Medicaid that will jeopardize care for millions of low-income working Americans, senior citizens that require long-term care in nursing homes and individuals with disabilities. This is not a vision of America that I see, and it is not one I can possibly support.

We need to find a bipartisan path forward. We need to invest in prevention, increased efficiencies, embrace technologies like telemedicine, and capture the full potential of promising medical research, like precision medicine, to yield better care and at lower costs. We need to make it easier for small business owners who want to do right by their employees to provide them with coverage. We can strengthen our health care system without cutting the quality of care by investing in common-sense changes to save money. For example, Medicare spends \$1 out of every \$3 on diabetes treatment. While the total economic cost of diabetes is estimated to be \$245 billion per year, I have

introduced bipartisan legislation that allows Medicare to enroll individuals at risk for developing diabetes into medical nutrition therapy services proven to decrease the likelihood they will develop diabetes.

I have also introduced bipartisan legislation that expands Medicare's use of telemedicine, increasing access for patients in rural and underserved communities, and bringing down future health care costs by ensuring patients get the preventive care they need to stay healthy.

Instead of focusing on these critical challenges or sensible solutions, Representative PRICE wants to move us backward and push policies that could leave 30 million Americans without health insurance.

We can't look at this as simple budgetary math, we are talking about 30 million of our friends, family members, and neighbors, including over 800,000 Michiganders—Michiganders who could once again face bankruptcy and loss of their economic security just because they get sick.

We live in a nation where historically the No. 1 cause of personal bankruptcy has been medical debt. That is simply unacceptable in this great country of ours. Whether we are policymakers or physicians, we should adhere to the central tenet of the Hippocratic Oath of "do no harm."

Our Nation's seniors, children, and all hard-working Americans deserve a Secretary of Health and Human Services who will, at the very least, do no harm. Representative PRICE is not that person.

It is for this reason that I have decided I will vote against his nomination for the Secretary of Health and Human Services. I urge all of my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to announce I will be voting against Congressman PRICE to be the Secretary of the Department of Health and Human Services. Despite some of the remarks people have expressed, I feel passionately about the fact that he is the wrong person to serve in that job. I have heard from a remarkable number of my constituents who also believe he is the wrong person for the job.

Congressman PRICE is an outspoken advocate for repealing the Affordable Care Act, which would cause up to 30 million Americans to lose their health insurance and put at risk the lives of thousands of people in New Hampshire and across America who rely on the Affordable Care Act—or ObamaCare—for treatment of substance abuse disorders. He is a rampant supporter of defunding Planned Parenthood and denying women our reproductive rights. If he defunds Planned Parenthood, it would mean that women would lose access to contraceptive services and cancer screenings.

In New Hampshire we have thousands of women who rely on Planned Parenthood as their only source of health care. Congressman PRICE is determined to make billions of dollars in cuts to the Medicaid program, which would jeopardize the health of some of our most vulnerable citizens, including millions of children living in poverty and millions of seniors living in nursing home care.

I am especially troubled by the threat that Representative PRICE poses to women's health. I urge my colleagues to listen to the millions of women across America who marched last month in opposition to the policies of the Trump administration and Congressman PRICE. Those of us who marched on that day had a simple and powerful message: We will not be dragged backward. We will not allow the Trump administration to take away our constitutional rights and to interfere with our deeply personal health care choices. Yet Dr. PRICE's extreme policies would do exactly that. They would drastically undermine women's access to health care, and they would turn back the clock on women's reproductive health and rights.

Representative PRICE has spent his entire congressional career authoring, sponsoring, and voting for legislation that would put women's health at risk. He cosponsored and voted 10 times—10—to defund Planned Parenthood, repeatedly championing slashing funding and access for family planning services. If we want to cut down on unintended pregnancies and abortions in this country, we need to give families access to family planning services.

If Congressman PRICE succeeds in making good on this threat as Secretary of Health and Human Services, it would result in 1.5 million Medicaid patients losing the ability to see the family planning provider of their choice.

As Senator PETERS said, Congressman PRICE does not support the Affordable Care Act and the requirement in the Affordable Care Act that women have access to FDA-approved methods of contraception with no out-of-pocket costs. Indeed, he rejects the very idea that women should obtain birth control with no out-of-pocket costs. He said:

Bring me one woman who has been left behind. Bring me one. There's not one.

Well, that statement is not only wrong, but it is arrogant, and it is gravely out of touch with reality.

Throughout his career in Congress, Dr. PRICE has been a zealous advocate of restricting women's access to contraception and abolishing our constitutionally protected reproductive rights. He has cosponsored an "extreme personhood" bill—so-called—that would establish that life begins at conception, and he supported a bill to ban abortion after 20 weeks, despite the Supreme Court's rulings that similar bills are unconstitutional. He even voted for

a bill that would alter the recommended medical training for obstetrics and gynecology by preventing grant funding from being used to train medical students on how to safely perform the abortion procedure.

The policies advocated by Representative PRICE would have profoundly negative impacts on the health and well-being of the people in my State of New Hampshire. Repeal of the Affordable Care Act would have devastating effects on people in New Hampshire. Some 120,000 Granite Staters—nearly 1 in 10 people in New Hampshire—have enrolled in health care coverage thanks to the Affordable Care Act, thanks to ObamaCare. That is an enormous step forward for the health and well-being of the people of my State. Yet Dr. PRICE is determined to destroy that progress. Indeed, he seems to have no higher priority than to terminate health coverage for millions of people across this country.

Make no mistake. Repeal of the Affordable Care Act would destroy much of the progress we have made in New Hampshire and in other States to fight the heroin and opioid epidemic. Across this country, more people are now killed by drug overdoses than by traffic accidents. There were more than 52,000 overdose deaths in 2015. But statistics can't fully capture the profound human toll. It is not only the thousands of individual lives that have been destroyed. Entire communities are being devastated.

In dozens of visits to New Hampshire during his campaign, President Trump pledged aggressive action to combat the opioid crisis. Keeping that promise is a matter of life and death. Make no mistake. Representative PRICE's determination to repeal the Affordable Care Act has put millions of Americans at risk.

I am especially concerned that repeal would abruptly end treatment for thousands of Granite Staters fighting addiction. The Affordable Care Act, and Medicaid expansion in particular—what we call in New Hampshire our New Hampshire Health Protection Plan—which has bipartisan support from then-Governor, now-Senator MAGGIE HASSAN and the Republican legislature, has been a critical tool in combating the opioid epidemic. More than 48,000 Medicaid claims were submitted in New Hampshire for substance use disorder services in 2015.

Having traveled across our State in the past year, visiting treatment centers and meeting with individuals struggling with substance use disorders, I am convinced that TOM PRICE's plan to repeal the Affordable Care Act would mean that thousands of Granite Staters would lose access to treatment, with devastating consequences because right now, even as we are beginning to ramp up treatment, we have the second highest overdose rate in the country.

We need a Secretary of the Department of Health and Human Services

who will respect women's health care choices and our constitutional rights and who will defend the enormous progress we have made, thanks to the Affordable Care Act and the expansion of Medicaid. Representative PRICE is the wrong person for this critically important position in our Federal Government, and I will vote against his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, before I begin, I wish to note my disappointment about how rushed the consideration of this nominee has been. Calls for a thorough investigation into Congressman PRICE's ethically questionable and potentially illegal health trades have been ignored.

Hundreds of questions HELP Committee Democrats asked Congressman PRICE as part of the official committee process have gone unanswered, and the vote to advance Congressman PRICE's nomination to the floor took place without Democrats getting any notice—a clear break from long-standing committee rules. Unfortunately, those are just a few of the examples.

It is clear that Senate Republicans are doing everything they can to protect President Trump's nominees from tough questions, which is only helping him rig his Cabinet against workers and families. That is really concerning, especially on issues as critical as our families' health and well-being.

As I have said before, when I evaluate a nominee for Secretary of Health and Human Services, I am interested in whether that person has a record of putting people first—not politics, partisanship, or those at the top. I want to know they put science first—not ideology. Critically, I consider whether their plans for health care in our country will help more families lead healthy, fulfilling, and secure lives, or take us backwards.

Unfortunately, I am very concerned that Congressman PRICE falls far short in these categories and that his nomination sends another clear signal: President Trump is setting up his Cabinet to run our country in a way that benefits those at the top and their allies, but it really hurts the workers and families we all serve.

I will start with women's health and reproductive rights. I believe that when women have access to quality, affordable health care, when they can afford contraception and exercise their constitutionally protected rights to make their own choices about their own bodies, our country is stronger for it. That is because access to health care, which includes reproductive health care, is fundamental to women's economic independence and opportunity. When women have more resources, more freedom, and more ability to give back in whatever way they choose, we move forward as a country.

Congressman PRICE has a long record of fighting to take women's health care

in the wrong direction. He has advocated for defunding Planned Parenthood, our country's largest provider of women's health care, time and again. He has been determined, since the start, to dismantle the Affordable Care Act, which has really helped millions of women gain coverage and essential benefits. Especially given his background in medicine, he has displayed a shocking lack of understanding when it comes to the need for continued work to help women access birth control. He even suggested there "was not one" woman who couldn't afford contraception.

Well, I have certainly heard the opposite. I know for a fact now that Congressman PRICE has, too, because I made sure to tell him about my constituent Shannon in our hearing.

Shannon has endometriosis and would have struggled to afford contraception, which is often used to treat that condition, were it not for Planned Parenthood. How can a Secretary of Health and Human Services, who won't listen to stories like Shannon's and who can't understand their need to access basic health care, possibly be trusted to work for all of our communities?

Unfortunately, there is more. While President Trump has magically promised now insurance for everybody that is both lower cost and higher quality, Congressman PRICE's plans would do the exact opposite. From the start, he has led the fight for repealing the Affordable Care Act, even though Republicans cannot agree on what they as a party would do to replace it.

Congressman PRICE's own proposals, however, would cause millions of people to lose coverage, increase the cost of care, and leave people with pre-existing conditions vulnerable to insurance companies rejecting them or charging them more.

I am hearing constantly from the families who are scared about what the future holds for their health care, given Republicans' rush to rip apart our health care system, and plans like Congressman PRICE's, which would leave so many so vulnerable, are simply not the answer.

Donald Trump campaigned on promises to protect Medicare and Medicaid, but Congressman PRICE said that he wants to voucherize Medicare in the first 6 to 8 months of the administration, ending the guarantee of full coverage so many seniors and people with disabilities rely on. He has put forward policies that would shift \$1 trillion in Medicaid costs to our States, squeezing their budgets and taking coverage away from struggling children and workers, and people with disabilities, and families.

While President-Elect Trump has said that Medicare should be able to negotiate lower drug prices for seniors, Congressman PRICE has repeatedly opposed efforts to do so. He even went so far as to call legislation to address high drug prices "a solution in search of a problem."

Well, I couldn't disagree more.

In addition, I am deeply concerned about Congressman PRICE's extreme approach to key public health challenges, including his history of opposing regulations to keep tobacco companies from luring children into addiction.

In fact, it is hard to imagine who in America would be better off under Congressman PRICE's leadership at HHS—certainly not women who can no longer be charged more than men for the same health care; children or their families who get peace of mind from having coverage through the exchanges or Medicaid; workers who know they can still get coverage, even if they find themselves between jobs; communities that count on public health protection; or seniors who shouldn't have to pay more for prescription drugs or worry about what the future holds for Medicare.

All in all, Congressman PRICE's vision for our health care system is, to me, disturbingly at odds with the needs of families I hear from every day. But what makes this nomination even more troubling are the serious ethics questions that have not been resolved as it has been jammed through the Senate. I would hope that any Member of Congress—Republican or Democrat—would take seriously the need to ensure that incoming Cabinet Secretaries are free from conflicts of interest, fully prepared to put the public interest first, and have demonstrated a commitment to service for the sake of service, rather than a pattern of mixing personal financial gain with public office. Unfortunately, when it comes to this nomination, Senate Republicans have avoided those questions at every turn.

When reports first came out that Congressman PRICE had traded more than \$300,000 in medical stocks while working on legislation that could impact companies whose stocks he had purchased—including one whose largest shareholder, Representative CHRIS COLLINS, encouraged PRICE to invest in—Democrats called for an investigation before this nomination could move forward. Senate Republicans refused to join us. When outside consumer advocacy groups and an ethics counsel raised concerns, Senate Republicans went ahead with the hearings. The day before a vote on his nomination in committee, when a story broke indicating that Congressman PRICE misled members of our HELP and Finance Committees in responding to their questions about his investments, Senate Republicans met secretly to jam his nomination through in a closed-door vote.

Congressman PRICE and Republicans have insisted that everything Congressman PRICE did was above board and legal. I certainly hope that is the case, but we shouldn't have to take their word for it, and neither should the families and communities we serve. I am deeply disappointed that so many of my Republican colleagues appear to be willing to overlook the need for a thorough independent investigation.

Congressman PRICE's backward views on women's health, his harmful vision for our health care in our country, and the ethical questions that remain unresolved even as this nomination is headed to a vote, I will be voting against Congressman PRICE for Secretary of Health and Human Services.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of Congressman TOM PRICE to be Secretary of the Department of Health and Human Services.

Congressman PRICE has a long political record in Washington of siding with Big Business and not American families. He has led efforts that would force families to lose their health care coverage, that would end Medicare as we know it, and increase costs for our seniors, and that would let politicians choose what health care is best for women and their doctors. Perhaps most troubling, though, are recent revelations about Congressman PRICE's deep and ethically questionable financial ties to health companies that are looking to turn a profit.

The people of Wisconsin elected me to the United States Senate to stand up to powerful interests, to stand up for the working people of my State. They surely did not send me to the Senate to take away people's health care. That is why I simply cannot vote for a nominee whose financial activities with health companies raise such serious ethical questions and who has repeatedly opposed measures that would improve the health of our hard-working middle-class families in America.

During his time in Congress, reports show that Congressman PRICE traded more than \$300,000 in shares of health companies while he was advancing health-related legislation which could directly impact these companies' profitability. Congressman PRICE's financial disclosures show that he has purchased stock in medical device companies, leading pharmaceutical companies, and medical equipment companies. He also led a number of legislative efforts to restrict or delay implementation of several Medicare programs that would have impacted reimbursement for these very industries.

I don't know who Congressman PRICE is working for. Is he working for the American people or is he working for the powerful corporations to help advance his financial interests and his investments in them? This ethically questionable activity raises too many unanswered questions about his professional judgment and his ability to fairly lead a department that is charged with protecting the health of all Americans.

Even more troubling are reports that he had access to a special private deal to buy discounted stock in an Australian biomedical firm, Innate

Immunotherapeutics. Reports show he received this special deal from his colleague in the House, Congressman CHRIS COLLINS, who sits on the company's board and is their largest investor. I sent a letter asking Congressman PRICE to explain his relationship, his involvement with Innate Immuno, and how his relationship with Congressman COLLINS influenced those purchasing decisions, but he hasn't responded. His financial dealings raise serious concerns about potential STOCK Act and insider trading law violations. That is why I have called on the U.S. Securities and Exchange Commission to investigate his stock market trading activities. These questions must be answered and his stock trading should be fully investigated before the Senate is able to adequately consider his nomination. Yet we are probably hours from the vote without all the information.

While there are so many unanswered questions about Congressman PRICE's ethical judgment, there is a lot we do know about his record as a politician that is deeply concerning.

We know Congressman PRICE wants to end Medicare as we know it and raise costs for our senior citizens. Medicare is a promise, a promise to current and future generations that guaranteed health care will be there for them when they need it. Congressman PRICE wants to break that promise, that promise to millions of seniors across this country. He has spearheaded proposals that would convert Medicare into a voucher system, essentially privatizing Medicare. He also supports raising the eligibility age for participation in Medicare, forcing hard-working Americans to wait to receive the benefits they have already earned. His dangerous proposals would force seniors to pay more and would jeopardize guaranteed access to the Medicare benefits they have today, but we don't need to take my word for it. Listen to the thousands of Wisconsinites who have written to me just since the start of this year, urging me to oppose Congressman PRICE's confirmation and to fight against any efforts that would take away their Medicare benefits.

Richard from Fond du Lac, WI, is just one of those Wisconsinites. Richard and his wife are now retired and on Medicare. He wrote to say:

We both spent decades in teaching and while we knew we would never get rich, we believed we were doing important work with our students.

Both of us felt secure in knowing that Medicare would be there for us when we left the profession and moved on to our retirement years.

Richard cannot understand why politicians like Congressman PRICE are proposing to fundamentally change a system that has worked well for decades. He told me: "Now we feel as if our world is being turned upside down."

Congressman PRICE's views are not only out of touch with America's seniors, but they are also, interestingly, in

conflict with President Trump's promise not to cut Medicare. PRICE's legislative record also conflicts with President Trump's public commitments to improve this program by allowing Medicare to negotiate lower drug prices for our seniors. Just this week, the White House confirmed the President's support for this proposal again. Yet, during his hearing before the Senate Health Committee, Congressman PRICE refused to answer my questions when I repeatedly asked him if he would commit to standing with the President and with American seniors by supporting Medicare negotiation of better prescription drug prices. We don't know where he stands on this issue, but we do know Congressman PRICE does not stand with seniors, and he does not stand for protecting the guarantee of Medicare coverage that our families rely on.

We also know that Congressman PRICE does not stand for the millions of Americans who rely on the health care coverage and protections available under the Affordable Care Act. Congressman PRICE almost personifies the Republican agenda and battle to repeal the Affordable Care Act and all of its benefits and protections, which would force 30 million Americans to lose their current insurance through participation in the program. He has led the effort in the House to take away guaranteed health care coverage and has championed dangerous measures that would put insurance companies back in charge of health care and lead to higher costs and more uncertainty for American families. Congressman PRICE's agenda is putting the health care coverage of over 200,000 Wisconsinites at risk.

I wish to share the story of Sheila from Neenah, WI. She is a small business owner and relies on the premium tax credits that helped her purchase her health plan through the marketplace. She wrote:

I just wanted to let you know how devastating it would be for my family if the Affordable Care Act is repealed. To take away the subsidies would pretty much turn the plan into the Unaffordable Care Act.

Sheila said that premium tax credits under the law have made it possible for her to buy decent insurance for the first time in her whole career.

I am listening to Chelsea from Shelby, WI. Her daughter Zoe was born with a congenital heart defect. At just 5 days old, Zoe needed to have open heart surgery. Chelsea said:

The Affordable Health Care Act protects my daughter. . . . I'm pleading to you as a mother to fight for that and follow through on that promise. There are so many kids in Wisconsin with heart defects (as well as other kids with pre-existing conditions) that are counting on you to protect that right.

I am listening to Maggie, who attends college in DePere, WI. Maggie was diagnosed with cancer in 2015. Thanks to the Affordable Care Act, she was able to stay on her parents' health insurance, which covered most of her

care. The Affordable Care Act also ensured that Maggie did not face lifetime limits on coverage for her multiple rounds of chemotherapy and radiation. Thankfully, Maggie is now cancer-free, but Maggie is terrified—terrified that if the law's benefits are repealed, she could face a situation where her chemo isn't covered if she ever needs it again. She also fears being denied coverage because of her preexisting condition or not being able to stay on her parents' plan.

During my time serving in the House of Representatives, I championed the provision in the Affordable Care Act that allows young adults like Maggie to remain on their parents' health care plan until age 26. Congressman PRICE would take that away, as well as other protections that Maggie relies on, and instead go back to letting the insurance companies decide what to do.

During his HELP Committee hearing, I asked him directly if he supports the current requirement that insurance companies cover young adults until age 26. Essentially, he refused to answer my question but instead said that he trusts insurance companies to do this on their own. He said: "I think it's baked into insurance programs."

Our future leaders like Maggie can't afford to take his word for it that insurance companies will choose to protect their care. The stakes are too high when it comes to accessing the life-saving health care for cancer or other serious conditions.

As I travel my State, I listen and I hear the voices of people who are struggling. Too many people feel that Washington is broken and it isn't working for them. People are scared because they can't make ends meet and provide a better future for their children. We need to change that. Our work here should be focused on making a difference in people's everyday lives.

I am concerned that if confirmed as Secretary of Health and Human Services, Congressman PRICE would make it harder for people to get ahead. I am concerned that he will work with special interests who already have too much power here in Washington instead of working for the Wisconsin families I was sent here to serve.

For all these reasons, Congressman PRICE is not the right choice for Secretary of Health and Human Services, and I urge my colleagues to oppose his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mr. SASSE. Mr. President, I say thank you to my colleague for yielding to me a little bit out of line.

I think one thing we don't do nearly a good enough job at around here—and not just in Washington, DC, but in schools across America—is reflect on the basic civics we have inherited and the constitutional structure of checks and balances and why we have a limited government. I think Judge

Gorsuch's nomination to the Supreme Court and, frankly, more narrowly, the media cycles of today, give us a special opportunity to pause and to do a little bit of civics again.

Judge Gorsuch is tough, smart, fair-minded, independent, and he is a person who has taken an oath of office to a Constitution of limits. That is exactly the sort of thing we should be affirming and celebrating around here. I think that everyone on both sides of the aisle in this body should be celebrating Judge Gorsuch and what he believes about a constitutional system that has limits. And defending your own branch—the Founders envisioned a world where these three branches would be jealous of their own prerogatives—defending your own branch is not to attack another branch.

As I read the media reports this morning of who said what to whom and who shouted at whom and who argued about what, what if we just paused and reflected again on what it means to believe in a constitution that has three separate but equal branches that are supposed to check and balance one another?

After seeing some media reports this morning, I looked and I happened to have on my desk the breast-pocket card that was in my suit 2 days ago when I met with the judge, and I asked him about the comments coming from the White House criticizing a so-called judge. I wish to share with this body some of the comments the judge made to me when I asked him what he thought about the criticism of the so-called judge, because we don't have so-called judges, we don't have so-called Presidents, and we don't have so-called Senators; we have people from three branches who have taken an oath to a constitution.

So here is some of what the judge told me when I asked him what he thought about those comments. He got a little bit emotional, and he said that any attack or any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.

I think that is something this body should be pretty excited to hear someone who has been nominated to the High Court say.

He said that it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary. He said that it is completely legitimate for all of us to vigorously debate individual opinions. We should argue about opinions. We can argue as citizens about cases. We can argue in this legislative branch or the executive branch can argue about the merits of particular opinions and yet we want to affirm the three branches.

So he said it is disheartening for us to do anything that would undermine that.

He then pointed me back to his comments at the White House the night he was nominated, and so I went back and

looked at his comments, and the very first people he thanked when he had been nominated to the Court were—he said: I want to celebrate the judges of America who are the "unsung heroes of the rule of law" in this country. He called the judges "unsung heroes of the rule of law."

He said: An independent judiciary has got to be tough. It is not my job as a nominee to the Court and it is not the job of any other judge to comment on particular cases, and it is not the job of judges to play politics or to hold press conferences talking about politics, but we can recognize that historically the other two branches are often wary of times when the Court asserts its prerogatives.

He said: For instance, Thomas Jefferson didn't like *Marbury v. Madison*, and it was completely legitimate for President Jefferson to criticize and argue about the merits of the *Marbury v. Madison* decision even as we do the important civics work of reaffirming these three separate but equal branches.

Frankly, I think that everybody in this body ought to be celebrating the nomination of a guy who is out there affirming three separate but equal branches and the independence of the judiciary. We should want to see the executive branch checked, and, frankly, if we really love America, as I know people in this body do, we should want to see our own powers limited because it is fundamentally American to be skeptical of the consolidation of power.

Our Founders divided power and checked and balanced each of the other branches because they were skeptical of what people in power might ultimately do.

Sadly, there are some on the other side of the aisle today—and I think many are going to give him a fair shake, but there are some on the other side of the aisle who decided they want to reflexively attack Judge Gorsuch. So it is like the Keystone Kops trying to run around and figure out which story you want to label him with. I hear some people saying: Well, Gorsuch was nominated by this President and a bunch of people don't like this President; therefore, he couldn't possibly be independent, he would be a puppet. There are other people saying in these private meetings allegedly Gorsuch has rented a plane and taken out a sky-writing script and he is out there saying "I hate Donald Trump. I hate Donald Trump." That is nonsense. Neither of those things is true. He is not a puppet, and he is not out there attacking the President of the United States. He is meeting with us, trying to explain his view of an independent judiciary. He is trying to affirm the same constitutional oath of office that all of us in this body have taken.

I think it is high-time in this body that we get beyond reflexive partisanship of "Republicans are for Republicans if they have the same label" and "Democrats are against Republicans"