

an appellate court were to agree with the district court. So I think folks here have to make a decision: You are either for maintaining these protections, which carries with it a responsibility to take action to make sure that those protections are in law—are kept in law, remain a part of our law—or you have to go to the other side, which is you throw up your hands and say: Either I am not for those protections or I am not going to do anything about it.

So you have to take action or not. I think that is true of people in both parties and both Chambers, but when you consider what is at stake in a State like Pennsylvania, we have a huge portion of our population—more than 3 million people—who live in rural communities. With 67 counties in Pennsylvania, 48 of them are rural.

A couple years after the Affordable Care Act passed we saw in Pennsylvania—this is only maybe 2 years ago now, and I am sure the numbers haven't changed that much—we had about 280,000 people who got their healthcare through the Affordable Care Act but lived in those 48 rural counties. Of the roughly 280,000 who got coverage, 180,000 were in rural communities. Lots of folks in rural areas are worried about the protections they got because they were benefited by Medicaid expansion, and the balance of those got their healthcare through the exchanges.

If you are in a rural community and you got healthcare most recently through the exchanges or even if you had healthcare prior to 2010 or prior to the last several years, you have protections that you didn't have before. Of course, in rural communities in Pennsylvania, you have even higher incidents in many cases of those who have an opioid problem. These healthcare decisions, these healthcare votes that we cast, these healthcare court cases have even greater significance in rural communities—whether it is preexisting condition protections, whether it is having the coverage of Medicaid that allows you to get treatment and services for an opioid problem, or whether you are just dependent on healthcare because of your own health or that of a family member, especially children.

I would just make a couple more points because I know we are limited in time. Here is some data on the impact of the Affordable Care Act and what could happen in some communities in a State like Pennsylvania that have a high significant rural population.

We are told in one study that since 2010, 83 percent of rural hospitals have closed, and 90 percent of these rural hospitals that closed have been in States that have not—or have not as of that time period—expanded Medicaid when the hospital closed. So we are talking about a court case that would, in essence, invalidate the Affordable Care Act. We are talking about not just healthcare loss or coverage loss in a rural community, we are talking about job loss and devastation.

In our State, we have something on the order of 25 rural counties where the No. 1 or No. 2 employer is a hospital. If that hospital is badly undermined, if they can't make the margins work because of cuts to Medicaid or the elimination of Medicaid expansion, as some around here want to do—not just cut it but eliminate it—you are going to have economic devastation in those communities in addition to healthcare devastation.

The staff of the Joint Economic Committee has estimated that if the Affordable Care Act were struck down, which is the effect of this Federal court case of just last week, 17 million people would lose coverage next year—17 million people in just 1 year.

What we should be doing around here, in addition to urging a court—or any court—not to strike it down, is to have bipartisan hearings for a long time on lots of ideas. We need at least weeks of that, if not longer. If there is one area or one place of consensus around here, it is that healthcare costs for too many Americans are too high. We have to get costs down, and people in both parties have a lot of work to do on that.

The second thing we hear back home and across the country is prescription drug costs especially are too high for too many families. Neither party has done enough on that issue. We have to get those down as well.

If we focus on the priorities of most Americans, which is not repealing this law; it is not throwing out or ending Medicaid expansion, which helps with the opioid crisis and helps a lot of our rural communities especially—what we would do is focus on the priorities of the American people: get the cost of healthcare down, get the cost of prescription drug costs down, and deal with any other issues that have been brought to the table for those who care about improving our healthcare system.

If the American people see only a battle about one side wanting repeal and the other side working every day to try to stop that, we are not going to advance very far on their agenda. Their agenda is not that fight. Their agenda is to protect the gains we have, make sure people don't lose coverage, and make sure a much larger portion of the population—virtually everyone you know—doesn't lose protections that were put into law a couple of years ago.

If we do that and focus on those priorities, I think the American people will believe we are beginning to do our job in both parties on healthcare. The worst thing we can do is go back to the days when someone with a preexisting condition was denied coverage or was charged a higher rate because of that preexisting condition. We don't want to go back to those dark days. We should insist that we never reverse course on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST— S. 2644

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 393, S. 2644. I further ask that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise for the third time in the past 2 months to defend the integrity of our political process by defending the ongoing investigation led by Special Counsel Robert Mueller.

The continuity of this investigation is critical to upholding public trust in our institutions of government due both to the substance of the investigation, the extent to which a foreign government was able to interfere in our political process, and the principle that no person—no person, no matter how high the rank—is above the law.

The investigation has produced results already, including the indictment of more than 12 Russian nationals for interference in the 2016 elections. It has also led to much knowledge about what was going on during the period of 2016 and beyond with regard to individuals in the United States. We need to protect the independence of the special counsel and allow this crucial investigation, and any like it in the future, to run their course.

This particular bill, S. 2644, Special Counsel Independence and Integrity Act, was approved by a bipartisan vote of 2 to 1 in the Judiciary Committee—14 to 7. We don't have many votes like that, the Senator from New Jersey will attest, in the Judiciary Committee. It has awaited a floor vote ever since. That is 9 months—9 months without a vote on this bipartisan bill that came out of the Judiciary Committee.

I just asked a moment ago for unanimous consent to pass this legislation. It was objected to for the third time. I know some of my Republican colleagues have some sincere objections to this bill. Some of them believe a President must be able to fire anyone within the executive branch, at any time, since the President is the head of it. I understand the constitutional arguments. I know some of my colleagues hold them sincerely. I would respond that, if this bill becomes law, the President still has a key role in overseeing the process. There is accountability to him. The Constitution requires that there must be.

Under this act, the Attorney General would still oversee the investigation and still be able to remove the special counsel for good cause. So the special counsel would not be fully insulated

from Presidential control. The Attorney General who oversees the special counsel still answers to the President. This legislation simply adds one layer of protection to the special counsel and makes his removal renewable, to make sure it is for sufficient cause, and it maintains a significant degree of Presidential control while protecting the special counsel investigations from being terminated by a President who might feel that he or she is under increasing heat.

This bipartisan request today is timely and necessary. Just last month, after the midterm elections—for those of my colleagues who said throughout the year nobody is being fired, don't worry, nothing to see here—the day after the midterm elections, the President forced his Attorney General to resign after numerous public comments from the President that the AG should not have recused himself from the investigation even though he was a key player in the 2016 campaign.

It is clear we need to put these protections in place and send this signal to the President. Nobody is above the law. The truth must be told, whatever it is.

I thank my colleagues on the Judiciary Committee, particularly Senator COONS and Senator BOOKER, for pushing this legislation and for insisting that it be considered on the Senate floor and for being here today again.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am proud to once again join the Senators from Arizona and New Jersey on the floor to ask for a vote on the Special Counsel Independence and Integrity Act.

We have come three times now to ask for a vote—just a vote—on this bipartisan legislation to protect the special counsel and support the rule of law, a bill which passed the Senate Judiciary Committee by a vote of 14 to 7, including with the support of Chairman GRASSLEY, to be considered on the floor.

Each time we have come here, there has been an objection from a Republican colleague. Each time, we have heard a reason or an excuse—something like: This legislation just isn't needed. The President is not imminently going to fire the special counsel. To those who believe this bill is still unnecessary, I could give a thorough survey of the landscape of recent days, but let me simply summarize.

There have been a whole series of filings and actions and developments in the Mueller investigation that have made clear that the President or his National Security Advisor or his personal attorney lied to the FBI or lied to the American people, misrepresented the scope and depth of the President's business contacts in Russia during the campaign or misrepresented to the FBI ongoing contacts with Russians. This is an effective and ongoing

Federal investigation that must be allowed to reach its conclusion.

Meanwhile, the President continues to spread misinformation and undermine the investigation into Russian attacks on our election. He recently suggested, with no evidence, that the special counsel and his team are bullying witnesses into lying about collusion, tweeting, the “Angry Mueller Gang of Dems is viciously telling witnesses to lie about facts & they will get relief.”

I know many of us have begun to shrug our shoulders at the President's tweets, ignoring the ways in which his messages publicly undermine the rule of law or discredit and attack Federal prosecutors. I know some Members of this body have proved willing to dismiss each new piece of information the special counsel uncovers as if it is no big deal.

Folks, this is not politics as usual. This is not something we should be sweeping under the rug. This is about the integrity of our democracy, our national security, and the President of the United States.

It is critical that this body demonstrate our ability to come together in a mature and responsible bipartisan way to do something about it—not to sit by and watch a potential constitutional crisis barreling toward us and refuse to step up and act.

Our job as Members of the Senate, sworn to uphold the Constitution, is to take reasonable, responsible, preventive action to avoid this sort of crisis that we can see coming. I am so grateful to my colleagues, both Republicans and Democrats—Senators GRAHAM, TILLIS, BOOKER, GRASSLEY, FEINSTEIN, and FLAKE—who have worked to craft this bill, to get it a hearing, to get it a vote, and to get it to the floor. Yet I am so frustrated with those who continue to block the last step, a vote on the floor.

Just last night, we saw the broadest possible coalition of Senators—from Senator BOOKER and Senator LEE to Senator DURBIN, Senator GRAHAM, and Senator GRASSLEY—come to this floor and lead a successful final vote on criminal justice reform. If we can do that, overcoming decades of divisive politics on race and criminal justice, why can't we do this? This cannot wait. The moment to act is now. The American people deserve an explanation as to why we can't act on this most important point.

Mr. President, before I yield the floor to my colleague of New Jersey, I want to conclude with a few words about my colleague and my friend JEFF FLAKE. When we look back at the history of this time, with the hindsight of history, it is my hope and it is my belief that Senator FLAKE will be recognized as someone who put country over party at a moment when it mattered. He follows a long line of Republicans whose mettle has been tested by the turmoil of their times—names I was raised on, such as Wendell Willkie, the Republican's nominee for President, who

agreed to support President Roosevelt's controversial plan to send aid to Britain at a turning point in World War II, even though it was the height of a Presidential campaign. Without his support, the plan would have failed. FDR called him a godsend to our country.

Margaret Chase Smith, of Maine, stood up to Joe McCarthy in 1950, a decade later. When she issued her “Declaration of Conscience,” she was just a freshman.

Last, Barry Goldwater, also from Arizona, along with Republican leaders went to the White House in August of 1974 to make it clear to the President that he had lost their support and needed to resign.

I am a proud Democrat, but I know that no party has a monopoly on courage or conscience. Our system only works when Members of both parties take risks for the good of us all. I have been deeply blessed to serve alongside and to work with Senator FLAKE. It is my hope that his example will inspire others in the Congress ahead to come together and to meet the demands of our time—protecting the rule of law, protecting the investigation of the special counsel. Taking up and passing this law is exactly one of those demands on which he has stood up and for which I am grateful for his leadership.

With that, I yield to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to give a lot of gratitude to my colleague, Senator COONS of Delaware. He is not only with us today on this call for a vote on a bill that was voted out of this Judiciary Committee in a bipartisan manner, but he is also a cosponsor of this legislation and somebody I have been proud to work with.

I want to thank my colleague JEFF FLAKE for putting himself so far out there in pushing for this legislation. It is a consistent pattern with JEFF FLAKE. If you know him, you might know that he and I might disagree on a lot of policy, but he is one of the people I have looked up to in the U.S. Senate as someone who understands the role of Congress, the article I branch of government—that the powers of Congress articulated by the Constitution should be seen as sacrosanct, and that the erosion of these powers or the surrendering of these powers to the executive undermines the very ideals of our Constitution that our government should be one of checks and balances on power.

I have seen him step forward and lead in the manner he is showing today. I have seen him step forward when it came to war powers and talking about the authorization of the use of military force and speak forcefully in a bipartisan manner with another of my colleagues, TIM KAINE, in saying: Hey, we have to have a system of checks and balances or the very foundations of this Republic begin to be undermined.

If you know his character, you know he is on the Senate floor because of his deep belief in this Nation, not just today but for the tomorrows to come, and that we must maintain healthy checks and balances on Executive power and within our system of government.

I am grateful for him to come in his final hours as a U.S. Senator still pushing this idea that there should be checks and balances, pushing this idea that there is a bipartisan space to try to preserve the ideals of this Republic, pushing this idea that no one—not a U.S. Senator, not a Congressperson, not even a President—is above the laws of this land because in the United States of America, we believe in the rule of law.

More than this, we talk about the Framers, but every generation of people who are in these seats in many ways are stewards of this Republic. What I respect about my colleague from Arizona is that he takes that seriously. Something from past Members in history who have understood that is that you need to not only make decisions for today but you need to plan for tomorrow. It is an axiom that I know all of my colleagues on both sides of the aisle believe: It is better to be prepared for a crisis and not have one than have a crisis and not be prepared.

I am one to believe that we are coming perilously close to the precipice of our Nation having a constitutional crisis. There is an investigation going on that is not a political attack. It is not a witch hunt—whatever may be seen. We already have seen this investigation through a consensus of our intelligence community that is investigating an attack on our Nation. It is something that people from both parties have spoken about—the importance of having an independent investigation. It is something that an appointee of the President, Jeff Sessions, has said we need to make sure the investigation is independent and beyond reproach.

That investigation has already yielded many indictments. It has yielded guilty pleas, and that investigation should be able to continue. There are some people who say: Hey, there is no threat to that investigation, but I am a big believer that if someone shows you who they are or tells you who they are, believe them.

We have a President right now who is attacking this investigation—the very legitimacy of this investigation—and he is acting like someone who believes this investigation shouldn't be going on at all. I believe that it may not happen, and we may not end up with a constitutional crisis, but if one comes, we should be prepared.

How are we to be prepared? Not by some partisan radical idea, but by a very sobered measured step that is embodied in the legislation that we are calling for right now—to have a modest check and balance on a President's power to end an investigation and dis-

miss the special counsel. That is what this is all about. It is a modest step of judicial review that could prevent not just a crisis that might happen next month or next year but 20 years from now, 30 years from now, 50 years from now. It is in line with what this body has done in the past of providing a check and balance on Executive power.

We have called yet again, for the third time, for a vote, and a third time we have not been granted a vote on the Senate floor or granted unanimous consent.

I am grateful to be standing with my colleagues for the third time. My hope is that in the fashion we have seen on this floor of recent, that we can work together to ensure we have a check and balance on Presidential power, to ensure the ideal of this Nation of equal justice for all, and to ensure that we can have a country where no one is above the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, to conclude, I thank my colleagues for their kind words. I thank them for taking their jobs seriously and that they would continue to do this.

I say to our President: This is not a witch hunt. Russia attempted to interfere in our elections, and they will continue to make that attempt.

We are seeking truth here, and that is what the special counsel is doing, and he needs to be protected. We need to be better prepared for future elections. That is what this is about.

As the Senator from New Jersey just said, this is based on the principle that no one—no one, however high and mighty, whatever position they hold—is above the law.

With that, I yield back.

The PRESIDING OFFICER. The Democratic leader.

TRIBUTE TO CLAIRE MCCASKILL

Mr. SCHUMER. Mr. President, I return to the floor to conclude saying good-bye to Members of our caucus who will not be returning to this Chamber next year. Last, but certainly not least, to me and to so many of us, is my dear, dear friend, the Senator from Missouri—as she says it—CLAIRE MCCASKILL.

It should come as no surprise to anyone that the Senator from Missouri found her way into politics. She got her start early. Growing up in a family that was actively involved in government and politics, CLAIRE was not given the option to avoid subjects of national debate. When CLAIRE was 7 years old, she was sent door to door on Halloween, saying: Trick or treat; vote for JFK.

Soon, politics wasn't just a passion passed down but a passion of her own. In high school, CLAIRE launched a stealth campaign to become homecoming queen. In the tradition of her school, the football team picked the

winner. So CLAIRE befriended all the linemen—doing small favors, arranging dates—knowing there would be more of them than any other position. Guess what. She won, not because she skated by on popularity—although she was always popular—but because she put in the work. She was tenacious and tactical, qualities she would take from high school politics into the politics of the wider and older world.

That is how, as a Democrat in a State already becoming more conservative during her youth, CLAIRE would go on to represent Missouri at nearly every level of government. As a prosecutor, in the State house, as State auditor, and, eventually, for 12 amazingly wonderful and productive years as Senator.

I was chair of the Democratic Senate Campaign Committee in 2005. CLAIRE was just coming off a difficult loss in the Governor's race, after which she "drank a lot of red wine and ate too many cookies," by her own typical frank admission. I had heard so much about her that I flew to London to meet with CLAIRE and her dear husband Joe about a possible Senate race. Almost immediately, I was struck by the force of her personality.

She is a whirlwind. As CLAIRE's mother, Betty Anne, said of her, "Integrity, independence, and guts—that's what CLAIRE MCCASKILL is made of." Everyone who meets CLAIRE can see that from the get-go. By the end of dinner, I was so eager for CLAIRE to run that I did something I almost never do. I paid for dinner. I have never been more glad that I did because CLAIRE became an exceptional Senator and one of my closest friends, not just here in the Senate but in life. A moderate at heart, CLAIRE had a knack for finding compromise between our two parties—a theme among many of our departing Members.

She worked across the aisle with Senator COLLINS to protect seniors from financial scams. She worked to fight for victims of opioid addiction, working with Republicans on taking on the big pharmaceutical companies that were funneling money to organizations to promote their own dangerous products.

In the tradition of her political idol, Harry Truman, she took a seat on the Armed Services Committee and fought fiercely for our veterans and our military.

Her hearings on the waste, fraud, and abuse of military contractors ushered in long-overdue reforms to military contracting, increasing transparency and accountability.

Almost every issue that CLAIRE got her teeth into, she never let go and always succeeded. She was amazing as a Senator.

Of course, CLAIRE wasn't just pragmatic. One of the reasons we love her is that she is both pragmatic and principled and combines those two in a unique way.

I will never forget the vote on the Dreamers. CLAIRE was seated in a seat