

ACA are taking a toll. They include canceling most federal outreach efforts for the open enrollment period for 2018 marketplace coverage, supporting new state policies that make it harder for people to enroll or stay enrolled in Medicaid, issuing rules to expand short-term and association health plans . . . and creating public confusion about the ACA's future by refusing to defend its constitutionality in a lawsuit by Republican state officials.

Then I turn to the last reference by groups that follow this information. I will just hold up this chart. This is a chart by the Center on Budget and Policy Priorities. This chart depicts where we have been over the decade and where we could be at the end of the decade on healthcare. This is a reference to the uninsured rate for non-elderly Americans. That number was over 17 percent in 2009. So 17.2 percent of Americans were uninsured at that time. The chart says it then fell each year, especially after the Affordable Care Act's major coverage provisions took effect in 2014. You see it starting in 2009, and then you see the big drop. Of course, that big drop of uninsured is good news. When that chart depicts the number going down, that is obviously good news.

Then you see the Trump administration sabotage has begun eroding this progress. You see it flattening out. Now, instead of a continual diminution or decline in the uninsured number, you see kind of a flattening out of that. Then you factor in the census report, which documents at least for 1 year an increase in the number of uninsured. Then the last part of the chart says: "If the administration gets the courts to strike down the ACA, the uninsured rate would almost double."

It goes all the way up to 18.7 in 2019. Of course, the last part of the chart is a projection. The Center on Budget and Policy Priorities is asserting that if a lawsuit is successful in the Fifth Circuit Court of Appeals, which we know was successful at the district court level and is now on appeal—if they are successful, this think tank, the Center on Budget and Policy Priorities, says that in 2019, the number of uninsured could go up to 18.7 percent, surpassing where we were in 2009, when we started to pass and then implement the Affordable Care Act, reducing substantially the number of people who were uninsured.

If you look at it this way, roughly over 6 years, the uninsured number went from about 47 million Americans down to about 27 million Americans. Twenty million-plus people gained insurance coverage in about 6 years—not even a decade.

The concern I have is that efforts undertaken by the administration, unfortunately, are seen as successful, according to the Census Bureau numbers, because the number of uninsured is going up at a time we want the number to go down. When you add in the lawsuit, which, in my judgment, is more likely to succeed than not—I don't want it to succeed; I want it to fail be-

cause I think it is an insult to declare the Patient Protection and Affordable Care Act unconstitutional, therefore destroying protections for more than 100 million Americans and ripping away coverage from so many Americans that the number of uninsured would skyrocket. Why would we ever go back to the days when the number of uninsured was that high and potentially growing? Why would we ever take any step—whether there is a lawsuit or whether it is sabotage or whatever—to drive up the number of uninsured?

Let me conclude with a couple of headlines. The front page of the New York Times, dated September 11, 2019 reads: "Fewer Insured After Attacks On Health Act." If you go to the inside of the paper, on page A15 there is a longer headline that says: "Fewer Are Insured Amid Administration's Attacks On Health Act."

The Wall Street Journal—a newspaper, when I last checked, that was not necessarily supportive of the Affordable Care Act, editorially—dated September 11, page 83, reads: "Insured Rate Logs First Drop in a Decade." That means the number of uninsured is getting larger.

I would say in conclusion that we need to sound the alarm about the threat to healthcare, sound the alarm about the threat to a growing number of uninsured Americans. This is not even factoring in the lawsuit, which, as the chart depicts, would make the uninsured number skyrocket. It wouldn't go up by 1.9 million or a percentage point or two; it would go up exponentially higher.

I hope that Members of this body in both parties not only would be concerned about these trends and concerned about what would could happen if the lawsuit were successful but also would take action to prevent this dark result from playing out for the American people because the number of uninsured would explode instead of continuing to go down where Americans want it to go. We want the number of uninsured to go down. We certainly want the number of uninsured children to go down.

I yield the floor.

Mr. BROWN. Thank you, Senator CASEY, for speaking out on such an important issue.

He and I talked yesterday about the number of people who now have insurance in our States. In his State it is over a million; in my State it is over 900,000 because of the Affordable Care Act, because of Medicaid expansion, because of other things.

Seniors have more. Seniors are getting more preventive care, and the cost of drugs is less in spite of the fact that this institution and the President do nothing to keep the prices of drugs down. We know the White House looks like a retreat for drug company executives, so this body has not done nearly what it should.

The Affordable Care Act is so important. I appreciate Senator CASEY al-

ways standing up for kids and standing up for Medicaid and standing up for the Affordable Care Act and the impact it has made on our States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 1790

Mr. BARRASSO. Mr. President, for the information of Senators, the cloture vote on the compound motion to go to conference on S. 1790 will occur at this time. I ask unanimous consent that if the compound motion is agreed to, it be in order for the following motions to instruct, which are at the desk—Van Hollen, Cotton, Jones, Schatz, Peters, McSally, McConnell or designee—to be considered at a time to be determined by the majority leader in consultation with the Democratic leader, but prior to September 26, in the form of Senate resolutions taken up and considered on the same day with no amendments in order.

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to disagree in the House amendment, agree to the request from the House for a conference and authorize the Chair to appoint conferees in relation to S. 1790, a bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

James M. Inhofe, Shelley Moore Capito, Thom Tillis, John Boozman, Cindy Hyde-Smith, Jerry Moran, John Cornyn, Mike Crapo, Johnny Isakson, Joni Ernst, James E. Risch, Roger F. Wicker, David Perdue, John Thune, Mike Rounds, Kevin Cramer, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the compound motion to go to conference and appoint conferees on S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 7, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—87

| | | |
|--------------|------------|------------|
| Alexander | Feinstein | Perdue |
| Baldwin | Fischer | Peters |
| Barrasso | Gardner | Portman |
| Blackburn | Graham | Reed |
| Blumenthal | Grassley | Risch |
| Blunt | Hassan | Romney |
| Boozman | Hawley | Rosen |
| Braun | Heinrich | Rubio |
| Brown | Hirono | Sasse |
| Burr | Hoeven | Schatz |
| Cantwell | Hyde-Smith | Schumer |
| Capito | Inhofe | Scott (FL) |
| Cardin | Isakson | Scott (SC) |
| Carper | Johnson | Shaheen |
| Casey | Jones | Shelby |
| Cassidy | Kaine | Sinema |
| Collins | Kennedy | Smith |
| Coons | King | Stabenow |
| Cornyn | Lankford | Sullivan |
| Cortez Masto | Leahy | Tester |
| Cotton | Lee | Thune |
| Cramer | Manchin | Tillis |
| Crapo | McConnell | Toomey |
| Cruz | McSally | Udall |
| Daines | Menendez | Van Hollen |
| Duckworth | Moran | Warner |
| Durbin | Murkowski | Whitehouse |
| Enzi | Murphy | Wicker |
| Ernst | Murray | Young |

NAYS—7

| | | |
|------------|---------|-------|
| Gillibrand | Merkley | Wyden |
| Harris | Paul | |
| Markey | Warren | |

NOT VOTING—6

| | | |
|--------|-----------|---------|
| Bennet | Klobuchar | Rounds |
| Booker | Roberts | Sanders |

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 7.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate?

The motion was agreed to.

APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. The Chair appoints the following as conferees on the part of the Senate:

The Presiding Officer appointed Mr. INHOFE, Mr. WICKER, Mrs. FISCHER, Mr. COTTON, Mr. ROUNDS, Ms.

ERNST, Mr. TILLIS, Mr. SULLIVAN, Mr. PERDUE, Mr. CRAMER, Ms. MCSALLY, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mr. HAWLEY, Mr. REED, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. HIRONO, Mr. KAINE, Mr. KING, Mr. HEINRICH, Ms. WARREN, Mr. PETERS, Mr. MANCHIN, Ms. DUCKWORTH, and Mr. JONES.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LANKFORD. Mr. President, I move to proceed to executive session to consider Calendar No. 417.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brian McGuire, of New York, to be a Deputy Under Secretary of the Treasury.

CLOTURE MOTION

Mr. LANKFORD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Brian McGuire, of New York, to be a Deputy Under Secretary of the Treasury.

Mitch McConnell, Tom Cotton, Roger F. Wicker, Rob Portman, John Thune, Kevin Cramer, John Barrasso, James E. Risch, Richard Burr, James M. Inhofe, Lindsey Graham, Rick Scott, John Boozman, Mike Crapo, Tim Scott, John Hoeven, Deb Fischer.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for 10 minutes each.

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

CONFIRMATION OF JOHN RAKOLTA

Mr. MENENDEZ. Mr. President, I wish to express my reservations about the nomination of John Rakolta, Jr., to be Ambassador to the United Arab Emirates. Historically, the United States has sent career foreign service officers to serve as ambassadors to the United Arab Emirates, men and women well-versed in the complexities and challenges facing the region. Mr.

Rakolta would be the first political nominee to serve as Ambassador to this critical post. The U.S. mission in the United Arab Emirates has benefited from experienced, trained diplomats who can adroitly navigate our important security partnership while also addressing some of our major policy disagreements, particularly regarding involvement in conflicts throughout the Middle East.

In nominating Mr. Rakolta, this administration is putting a political nominee with no diplomatic experience at the helm of one of our most critical Middle East posts. While Mr. Rakolta possesses extensive business experience, he lacks knowledge of the arms sales process, security commitments, and complex diplomacy that we should demand of our emissaries to the United Arab Emirates. This is a risky venture that could jeopardize our effectiveness in the region. It also is part of a concerning trend that has reduced the number of career ambassadors serving abroad. The historically even split between political and career nominees is becoming further skewed toward political ambassadors.

Mr. Rakolta's nomination is also indicative of the lack of due diligence and forthrightness demonstrated by a number of this administration's nominees. It took months for the Senate Foreign Relations Committee to obtain an accurate and complete picture of the extent of Mr. Rakolta's business holdings, litigation history, and the role he played at a questionable non-profit, ostensibly related to economic development.

Mr. Rakolta initially failed to include key details in the paperwork he submitted to the committee. He did not disclose dozens of companies that he had owned or managed, including many with an international presence, and omitted dozens of foreign lawsuits, among other details. More concerning, however, he did not disclose that he had served on the board of a nonprofit that had been the subject of intense public scrutiny, including questions about payments the board approved for its executive director. These issues and omissions not only slowed down Mr. Rakolta's nomination, but raised concerns about Mr. Rakolta's candor and forthrightness with the committee.

The committee relies on nominees to be transparent and forthcoming about relevant information to ensure that there are not actual or potential conflicts of interest or issues that call into question a nominee's fitness for public service. When these details are obscured, omitted, or hard to obtain, it further erodes the confidence that a nominee is well-qualified and committed to serve in a given position. Mr. Rakolta's failure to provide accurate details to the committee did not inspire confidence about his diligence or transparency. Further, the details that the committee did obtain raise concerns about the type of leadership that