

[Rollcall Vote No. 411 Ex.]

YEAS—91

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

NAYS—2

Hirono
Sullivan

NOT VOTING—7

Booker Klobuchar Warren
Harris Paul
Isakson Sanders

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 2.

The motion is agreed to.

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 nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Roy Blunt, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan, 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 Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Sen-

ator from Louisiana (Mr. KENNEDY), and the Senator from Kentucky (Mr. PAUL).

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

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

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—90

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

NAYS—1

Hirono

NOT VOTING—9

Blunt	Isakson	Paul
Booker	Kennedy	Sanders
Harris	Klobuchar	Warren

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. The Senator from Louisiana.

GOVERNMENT FUNDING

Mr. CASSIDY. Mr. President, I rise to discuss the spending bill, which we are about to vote on, which is going to increase our deficit by almost a fourth of a trillion dollars over 10 years and of which I think I might be the first speaker. We are going to vote on this. We got it yesterday—Monday, maybe—and we are going to vote on it tomorrow.

I smile because this is supposed to be the world's greatest deliberative body, and we have not deliberated one bit on

far-ranging policies. Now, by the why, the mess is kind of bipartisan. We can spread the blame around.

Let me bring up the heart of it. When ObamaCare passed, President Obama famously said it would not increase the deficit by one dime. That is gone. I think that replaces "you can keep your doctor if you want to" as the greatest lie. What we did today is to repeal about \$400 billion in payments to pay for all the healthcare that is going out. It is kind of a joke on Republicans. We are getting ObamaCare, but we are not paying for it.

On the other hand, as I will explain in a second, it may ultimately be a joke on Democrats. Now, this concerns me because we didn't have a committee hearing on it, and we haven't had a floor debate, but we just committed that for almost \$400 billion that have been used to fund Medicaid expansion, people getting subsidies for their health insurance, and many other things, we just went poof, and it is gone.

Now, some of it, like the health insurance tax, was a tax that the insurance industry agreed to so that the Obama administration would force ObamaCare upon the rest of us. But now that it has been agreed to and ObamaCare is stuck, they don't want to pay the tax. They would rather that go poof.

Now, people say: Wait a second. If we get rid of that tax, maybe insurance premiums go down. One, they don't guarantee it, but, secondly, what we could have done is we could have taken that money, created reinsurance pools across the Nation, and that is estimated to lower premiums by 10 to 20 percent. In that case, not only would the insurance industry be fulfilling their bargain—he, you stick the Nation with ObamaCare, but we will help pay for it—you would actually be able to use the money to lower premiums. That would be something good. One, they would have kept their word, and, two, it would have been good for the American patient, if you will.

The other tax that has gone just poof—\$300 billion just gone without debate, without deliberation, without a committee hearing, which is still there on Friday, and today we walk in on Monday, and it is poof, and we vote on it tomorrow, and I am the first person to speak on it—is the so-called Cadillac tax.

Now, on the Cadillac tax, that is a provision under ObamaCare in which for high-cost policies, if they go too high, you get taxed on them. The whole idea is to encourage wiser purchasing of health insurance. Now, frankly, I didn't care for the Cadillac tax. I get the reason it was there. But 100 different economists have said that it serves a purpose across the political spectrum. My preference is that if we had replaced the Cadillac tax, one, we would have paid for it. We shouldn't be getting ObamaCare without paying for it. Secondly, we would have gotten

some reforms. They are reforms that actually would have been—if we were not going to use the Cadillac tax to hold down the cost of premiums—another mechanism by which we could hold down the cost of premiums.

Why is this important? Because not only did we just go poof to almost \$400 billion, but because healthcare expenditures are driving our debt and deficit. It is not just that we lost this \$400 billion. We lost any restraint upon policies going higher and higher.

Now, that is bad for the American patient. It is bad for the American household because our country will continue its indebtedness.

I am a doctor. I know if you put more money into the furnace, it will burn that much higher, and now there is just no excuse to try and rein in those expensive policies.

It is not just that. One thing that my Republicans apparently have agreed with Democrats on is to stop the Trump administration from taking on something called “silver loading.” It is a little technical here, but just hang with me. For the middle-class family in your State who buys their insurance on the exchange and does not get a subsidy, pop, there goes their premium.

How does this happen? When the Trump administration ended the payments from the Federal Government to insurance companies, insurance companies figured out a way around it. They are smart. They know how to get out of taxes that they have agreed to pay for, as an example. So they did what is called “silver loading.” They increased the cost of so-called silver policies on the ObamaCare exchange. So if you are not getting a subsidy, you are paying a lot more. But because if you are not getting a subsidy and you are paying a lot more, that increased the amount of subsidies for people who were. So if you are, you know, getting a subsidy, you are probably pleased with it. If you are the middle-class person making 400 percent of Federal poverty level and you are paying your taxes and you are trying to do it right, you just got stuck with a higher premium.

The administration was trying to take it on. This deal, which we have not discussed, which was not heard in committee, which we have not deliberated on at all, says to the administration: You can’t take that on. Yes, that middle class family not getting a subsidy is paying far more, but you can’t take it on. Stand down, administration, we are going to stick it to that family, as well as saying poof to \$400 billion.

Now, there are some other issues that are important to me in my State. The National Flood Insurance Program is an important program. We advanced some reforms that would make it more affordable for the homeowner, more sustainable for society, and more accountable to the taxpayer. We haven’t had anything in there. We renewed it. I am pleased that we renewed it.

We renewed it without reforms. You have had flooding in your State, and I

have had flooding in my State. You have had yours in yours, and I have had it in mine. We need that program to be sustainable, accountable, and affordable. We have lost the opportunity. I forget how many short-term extensions we have had without reform. I think it is like 10, 12, 14, or 16. You lose count after a while. We have missed that opportunity.

So we started on Friday. Everybody goes home except for a few people. They work on it over the weekend, they come in on Monday, and we get a 2,000-page bill on Monday. We will vote on it tomorrow, and I am the first person to speak on it.

Now, I understand that impeachment is taking a lot of energy and oxygen out of the Chambers. I understand that a lot of attention is addressed elsewhere, but all I can say is that you have just imperiled your country’s fiscal health.

On one more thing before I wrap up, there is a little bit of an irony here. Republicans are getting ObamaCare, but it is unpaid for. There is another irony here as well. The courts today ruled that the individual mandate in ObamaCare is unconstitutional. Now, I am not an attorney, but I gather they did not rule that this was so-called severable.

If this is not constitutional, then the rest can stand because we just sever it off. Imagine this. Imagine that the courts decide that that portion of ObamaCare—which is related to Medicaid expansion and is related to the exchanges in which people get subsidies to buy these policies—is unconstitutional but would have allowed the mechanism by which to pay for it to stand, because that is another part of the law. We have just repealed that. Why is that important? Because if this falls, we have to have the money to pay for a replacement.

Democrats have so long screamed that we need to have universal access. By the way, I am a doc. I would like everybody to have insurance. I fought for it, and I worked for it. But the other party, which has said this is such a high priority, has just eliminated the funding that could be used for replacement in *Texas v. Azar*, the court decision that may strike down that portion of ObamaCare.

So, Republicans, we got ObamaCare that is not paid for. Democrats, they may end up with no ObamaCare at all. Patients, whether they are on Medicaid, getting a subsidy, or not getting a subsidy, will lose.

I hope that we can return to being the world’s greatest deliberative body, but as regards that, this has to be considered a low point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

IMPEACHMENT

Mr. LANKFORD. Mr. President, it is a historic day and busy week in the Senate. The historic day happening is happening just south of us right now.

There is debate in the House of Representatives over impeaching the President of the United States. It is only the third time that has ever occurred in our Nation’s multicentury history.

Current impeachment conversation is an interpretation of a phone call President Trump had with President Zelensky; that if you twist that phone call just the right way, it sounds like he is trying to influence the President of Ukraine, except the President of Ukraine never said he felt influenced by that, and they never took any action President Trump is being accused of. Five different meetings happened in the days after that phone call and none of those meetings ever included any conversation about Rudy Giuliani or Hunter Biden or Joe Biden. The money did go to Ukraine in time. It was the 11th of September, and the deadline for it to arrive was the 30th of December. The whole time the Ukrainians, who apparently were threatened by President Trump according to the Articles of Impeachment, said they never knew they were threatened.

I have a feeling that if President Trump wanted to threaten somebody, they would know it, but apparently, in this situation, the House is currently impeaching the President because they perceived the President meant to do something he didn’t actually do, when the whole time the President said that, no, that was never his intent. The only one fact witness the House called through the entire process—the one fact witness they called—said they actually talked to the President, and the President said: No, there is not any quid pro quo; of course I don’t want to do that.

But they are going through impeachment anyway. That will then come to the Senate in January, and all of January will be consumed with walking through the two Articles of Impeachment the House is choosing to send over.

It is ironic to me that earlier today, Michael Horowitz, who is the inspector general for the Department of Justice, was in a hearing in the Senate, talking about the process on the Russia investigation. I happened to be on that committee as we went through the process. It was very ironic to me today, in the line of questions and the issues and things that were coming up in the Horowitz report, one of the things that probably the media will never report on, but Michael Horowitz, the inspector general, pulled out through this process, was, in October of 2016, Christopher Steele—famous for the dossier that was an opposition research project from the Democratic National Committee on President Trump leading up to the election that was supposedly all this dirty information about Russia. Christopher Steele was contacted by someone in the State Department, the Obama-led State Department. In October of 2016, Christopher Steele was invited to the State Department where,