

council members and Governors refuse to condemn the rioting and the cold-blooded murder.

It is time for local leaders to restore law and order. It is time to make sure our communities are safe again. The death and destruction lies at the feet of elected Democratic leaders. Each must be held accountable for their leadership failure.

I yield the floor.

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 Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2025. (Reappointment)

Mitch McConnell, Joni Ernst, John Thune, Cindy Hyde-Smith, Roy Blunt, John Cornyn, Marsha Blackburn, Deb Fischer, John Barrasso, Shelley Moore Capito, Todd Young, John Boozman, Lamar Alexander, David Perdue, Kevin Cramer, Tim Scott, Michael B. Enzi.

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 Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2025, 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 Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 148 Ex.]

YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Loeffler	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—46

Baldwin	Hassan	Sanders
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Jones	Shaheen
Brown	Kaine	Sinema
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	
Harris	Rosen	

NOT VOTING—2

Cruz Markley

The PRESIDING OFFICER. The yeas are 52, the nays are 46.

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 Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2025. (Reappointment)

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Kaplan nomination?

Mr. SCOTT of South Carolina. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 149 Ex.]

YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Loeffler	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—46

Baldwin	Cardin	Durbin
Bennet	Carper	Feinstein
Blumenthal	Casey	Gillibrand
Booker	Coons	Harris
Brown	Cortez Masto	Hassan
Cantwell	Duckworth	Heinrich

Hirono	Murray	Stabenow
Jones	Peters	Tester
Kaine	Reed	Udall
King	Rosen	Van Hollen
Klobuchar	Sanders	Warner
Leahy	Schatz	Warren
Manchin	Schumer	Whitehouse
Menendez	Shaheen	Wyden
Merkley	Sinema	
Murphy	Smith	

NOT VOTING—2

Cruz Markley

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Alabama.

UNANIMOUS CONSENT REQUEST—S. 585

Mr. JONES. Mr. President, I rise today amid what we all know to be a global health and economic crisis that we are in. I rise to propose a solution that has been in front of us all along from the very beginning. It is a solution that has existed for 55 years tomorrow—55 years.

Medicaid has brought millions of people to better healthcare. It has brought billions of dollars into States. That is important when we have both a healthcare crisis and an economic crisis, but for 55 years, Medicaid has lifted the health outcomes of people all across this country and especially in so many States that need it—States like Alabama that are poor States, that are unhealthy States.

But we can do better. A solution of Medicaid would bring billions of dollars into my home State of Alabama along with about a dozen other States. It would create thousands of new jobs. It would help shore up rural hospitals that are facing financial struggles, a condition made worse by this pandemic. It would provide healthcare coverage in Alabama alone to between 300,000 to 400,000 Alabamians who do not have it right now. Some didn't have it before this pandemic. Others don't have it now because they have lost their jobs. They have lost their employer-sponsored healthcare.

Expanding Medicaid would generate \$935 billion, with a "b," in new tax revenue for the State of Alabama. It would help local economies across the State by creating good jobs and ensuring workers and their families have good healthcare.

In our rural areas, especially, healthcare is dependent on Federal dollars. Folks, expanding Medicaid was the right thing to do before this pandemic and some 37 States or so did just that. In fact, two States did that fairly recently. Conservative States of Oklahoma and Nebraska are both in the process of expanding Medicaid. It was important before the pandemic, but it is vital that we do it now. It is absolutely vital, especially, as so many people have lost their jobs, lost their employer-sponsored healthcare through no fault of their own.

Alabama didn't take that step back in 2011 when it should have. Alabama

held back. There is little doubt that the main reason—not the sole reason—but the main reason that they held back was purely political. The Alabama Legislature and the Alabama Governor refused to legitimize the Affordable Care Act and put their name on anything having to do with it. The people of Alabama—hundreds of thousands—have suffered because of it.

That excuse is waning thin today, especially when so much is needed to provide healthcare to the people of my State. Just this morning, a new poll came out from Auburn University that showed that a majority of the people of Alabama, including a majority of Republicans and a majority of Democrats, favor expanding Medicaid. Our hospitals and healthcare professionals have long advocated for this all across Alabama.

We did a program just recently. The American Hospital Association has been begging for this for years to keep our hospitals open. They advocated for an understanding that without this, more and more of our hospitals will have to close their doors. They are working on either thin margins or they are underwater already, and the pandemic has made it worse. More than a dozen of our hospitals, rural and urban, have shuttered while Alabama has refused to expand Medicaid.

Today, we have a chance to save the ones we still have and perhaps even revive some outpatient services that have lost their provider. Every pregnant mother who has to drive hours for a round trip for prenatal appointments or a rural Alabamian who lives 45 miles from the nearest emergency room or the workers who are employed would benefit from this. Those who still do not have good healthcare and have to take their children to an emergency room for routine healthcare, it is for those people that I am committed to finding a way to expand Medicaid.

Today, I stand with my colleague Senator WARNER from Virginia to once again call for the passage of our proposal to incentivize States to expand Medicaid. Our bill, the SAME Act, States Achieving Medicaid Expansion Act, would restore the financial incentives for States that expanded late and would give them the same fair shot at Federal support as the early expanding States.

The legislation would have the Federal Government cover 100 percent of the costs for the first 3 years, then would scale back to eventually cover 90 percent in perpetuity.

I want to make sure folks understand this bill does not mandate an expansion of Medicaid; it still gives States the choice. If the 13 or 14 States, including Alabama, choose not to expand Medicaid, even with a second bite of the apple, then they don't have to. Shame on them for not doing so, but they don't have to do it. More importantly, if they were to do that, thousands of people would get this healthcare coverage, including a very

important point for the State of Alabama, which is expanded mental health coverage. So many places that I have been to in the State of Alabama are begging for mental health coverage that they cannot afford in their communities. Expanding Medicaid would do just that.

Let me be clear. Even without this bill, I still believe Alabama should take this step. We literally can't afford not to. We need to be investing in our citizens' health the same way we invest in trying to bring businesses into Alabama. We need to try to invest in our people's health because it will lift all boats.

If this incentive is what is needed to get us over the finish line, let's just do it. Again, it is not mandated. States don't have to do it. But for those States that do, they will see better health outcomes for their citizens and better economic advantages in areas that need it. Millions of Americans in these remaining States are struggling, and we can no longer allow politics to get in the way of their access to quality healthcare.

I urge my colleagues to please let my State have the chance. Let us have the opportunity to right the wrong that we did in 2011 by refusing to expand. Give me that opportunity to go back and try to convince the folks in Montgomery, AL, that this is the right thing to do. It is a commonsense solution. Let's not stand in the way of more Americans getting healthcare amid a global health crisis.

I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Virginia.

Mr. WARNER. Madam President, I want to thank the Senator from Alabama for his partnership on the SAME Act. I am going to repeat some of the same arguments he made because I think they are quite compelling.

We are talking about healthcare, which is an issue that is weighing on too many American families at this point—and not just healthcare but access to healthcare coverage. I think we would all agree that regardless of what we feel about this issue, we are in the midst of the greatest public healthcare crisis in generations. In this unprecedented time, I think it calls for unprecedented action from Congress.

Today, in a couple of moments, I am going to ask that this Senate take up and unanimously pass legislation I introduced along with Senator JONES from Alabama and several of my colleagues—legislation that could provide access to quality and affordable healthcare coverage for millions of Americans. To be clear, the SAME Act is the bill I have been pushing for more than 3 years. This bill was a good idea before the pandemic, but the need for it has become even greater in light of the COVID-19 outbreak.

The SAME Act would ensure that States like Virginia—and we did pass Medicaid expansion, but we passed it

later than other States—that States that have expanded their Medicaid Program to serve more Americans can get their fair share of Federal matching dollars.

It would also incentivize additional States—like the State of Alabama which hasn't yet expanded Medicaid—to expand this critical program to millions of more Americans. I can think of no better time to pass this legislation than right now, when more than 5 million Americans find themselves having lost their healthcare coverage in the last 3 months alone.

In fact, some reports actually estimate that nearly 27 million Americans have lost their employer-sponsored health insurance and are now in jeopardy of becoming uninsured.

Our legislation would provide much needed financial support to States that are seeing an increase in Medicaid enrollment as folks face the fallout of this crisis. For those millions of people, the SAME Act would provide a significant lifeline. Estimates show that if every State were to expand its Medicaid Program, about 3 million additional Americans would have healthcare coverage.

I don't believe this is a political argument nor a philosophical exercise. This legislation has a real-world impact, and it is clear that Americans want and need this legislation to pass.

As my colleague just mentioned, there are a number of States—Red States and Blue States—which have taken advantage of this opportunity, including, just recently, Oklahoma. A few weeks ago, Oklahomans went to the polls and voted to expand their Medicaid Program to provide broader access to coverage. We have seen similar actions from citizens in Utah, Maine, Idaho, and others. Across our Nation, Americans are making it clear that they want expanded access to healthcare coverage, and I believe Congress needs to listen.

With all due respect to my Republican colleagues, you can't say you want to help Americans in this devastating time and simultaneously oppose this bill, which would actually provide that help.

As we stand here in this Chamber, we have the privilege of knowing that we and our families have access to the healthcare coverage we need so that, if something were to go wrong, we would be covered. So why shouldn't we ensure the same access for more Americans? The median cost of a hospitalization due to COVID-19 is \$14,000. For Americans without health insurance—the nearly 30 million and growing—that could mean losing their homes or their cars. For many, it could put them into bankruptcy.

Now, I know that my colleagues on the other side of the aisle want to do right by their constituents and the millions of other Americans who need help. So I ask us to come together today to support the SAME Act. No one should go bankrupt because one

got sick and sought medical care, but more importantly, no one should go bankrupt when this legislative body has the opportunity to act.

As if in legislative session, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 585, the States Achieve Medicaid Expansion Act; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, in reserving the right to object, I appreciate we all want to help Americans get the healthcare they need, but what my colleagues are proposing is a Federal bailout that will help a handful of States but do little to directly help patients. That is not fair to Americans across the Nation who need better access to affordable healthcare.

We have seen that a government takeover of healthcare does not work. ObamaCare was sold on a lie, plain and simple. Let's remember, when ObamaCare passed, they promised it would save \$2,500 per family. Not true. Costs and premiums went up. They promised that you could keep your doctor. Not true. Provider networks got narrower, and people lost their doctors. They promised, if you liked your plan, you could keep it. Again, this was not true. The promise of ObamaCare didn't happen. Actually, the opposite happened. Under ObamaCare, costs skyrocketed, and families lost the doctors they liked.

The American people don't want more lies. Actually, they want more solutions. The solution is not to create more inequity in the system. What we need is to take concrete steps to make sure we help all families across the Nation actually get the healthcare they need. My colleague's bill does nothing to help patients. States will make their own decisions on Medicaid. Giving certain States free Medicaid is nothing more than a bailout for State budgets.

In June, I wrote to all 50 Governors and requested information on how their States have allocated the trillions of dollars in taxpayer funding from the Federal coronavirus response measures that had been passed by Congress. Unfortunately, a majority of the States simply chose not to respond, including Virginia and Alabama.

The Federal Government already allocated \$1 trillion to States and local governments to respond to the coronavirus, but these States are refusing to tell us how they are spending these extra funds, including the estimated extra \$50 billion in Federal Medicaid dollars they received in the Families First Act. Since the Families First Act has passed, Medicaid costs have actually gone down, but the States don't want to tell us that because they simply want bailouts.

Instead of pursuing a partisan bailout of a select number of States, I want to use this opportunity to propose a commonsense solution that would use bipartisan principles to help every single American in this country. Though ObamaCare was a failure, I support protecting people with preexisting conditions and ensuring that young adults can stay on their parents' health plans until age 26. I think my colleagues would also support these principles.

I have been working with Senator TILLIS on the PROTECT Act, which would directly assist Americans by, one, guaranteeing coverage for preexisting conditions and prohibiting insurance companies from excluding coverage of treatment for a patient's preexisting condition; two, prohibiting insurance companies from charging Americans higher premiums due to their preexisting conditions; and, three, guaranteeing the availability of health insurance coverage in the employer or individual market regardless of one's preexisting condition. My amendment builds on the PROTECT Act and adds protections to allow young adults to stay on their parents' health insurance plans until they are 26.

We could pass this amendment, which I believe has bipartisan support, and ensure that every American with a preexisting condition is protected no matter how the Supreme Court rules on ObamaCare.

The American people and, certainly, the people of Florida, Virginia, and Alabama want us to get something done that would actually reduce healthcare costs and increase access to care. That is what my proposal does. Protecting Americans with preexisting conditions is a commonsense step we can and should take today to lower the costs of healthcare for all Americans. I hope my colleagues will join me in supporting these bipartisan healthcare reforms.

Therefore, I ask the Senator to modify his request to include my substitute amendment, which is at the desk; that it be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. WARNER. Madam President, in reserving the right to object, I have great respect for my friend, the Senator from Florida. I know he has a long and deep background in healthcare, but I have some news. The Affordable Care Act already provides strong protections for millions of Americans with preexisting conditions.

I believe, unfortunately, the legislation my colleague is proposing would allow insurance companies to, once again, impose arbitrary annual and lifetime cap limits on care, and it would allow insurance companies to refuse to cover essential health bene-

fits, like mental health coverage, substance use disorder, or maternity care.

I don't believe we can go back to the days when a certain number of companies held all the power and consumers were routinely denied access to healthcare. I do believe the SAME Act—again, sponsored by my good friend, the Senator from Alabama—would simply continue to extend the right to have the same level of Federal subsidies for all States. We are seeing voters across the country, as they have a chance to weigh in on this, agree to this principle, which is that those same rights ought to be extended to States like Alabama, which has chosen not to move forward, and to States like Virginia, which has moved forward but a little bit late. I still strongly believe that the SAME Act, which would equalize and level the playing field, is the appropriate action.

Respectfully, I object to the unanimous consent request of the Senator from Florida to pass this bill.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, in reserving the right to object, first of all, I thank my colleagues, and I hope to work with them to figure out how we can drive healthcare costs down because, as we know in all of our States, healthcare costs are too high, and as my colleagues have said, we have people who are being impacted because they can't afford the cost of healthcare.

I am clearly disappointed. My colleagues don't want to protect those with preexisting conditions and ensure that young adults can stay on their parents' plans until age 26 if ObamaCare is actually ruled unconstitutional by the Supreme Court. Whether by figuring out how to bring drug prices down or just the whole cost of healthcare, I hope that we can figure out how to work together because the costs shouldn't be this high.

Therefore, respectfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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