Senator Designate Luther Strange

Mr. McConnell. Mr. President, of course the departure of one Senator typically heralds the arrival of a new one. Today is no different. I hope my colleagues will join me in welcoming Alabama’s newest Senator later today, Luther Strange, who will be sworn in this afternoon.

You won’t have much trouble finding him. He will be the tallest guy around here. Now, you would expect nothing different from a former college basketball player. Senator Thune and Senator Cotton last night were somewhat distressed by the notion that they would be replaced by an even taller Senator, and that will happen later today.

Luther Strange, like the man who preceded him, is a devoted Eagle Scout. He stands substantially in the law. He even argued successfully before the Supreme Court. It is notable experience to bring to any job, especially this one, and especially at a time when we are actively involved in the process of confirming a new—and superbly qualified—nominee to the Court.

We are looking forward to the contributions that Alabama’s newest Senator will make. He will have the chance to get started right away. We have important work to do, and that starts with confirming more of the qualified Cabinet nominees who are before us.

Nomination of Tom Price

Mr. McConnell. Mr. President, the nominee currently before us is the President’s pick for Health and Human Services Secretary, Congressman Tom Price, a physician. Dr. Price knows more about health care policy than just about anyone. He doesn’t just understand health care policy as a policy-maker—although he does deeply—he also understands it as a practicing physician. He gets the real-world impact.

He has a clear-eyed view about Washington’s capacity to do great harm, even with the best of intentions, just as he is excited about his potential to do great good.

He can start having a positive impact almost as soon as he is confirmed. He can start bringing stability to the health care markets ObamaCare has harmed. He can start bringing relief to the families ObamaCare has hurt. I know he knows how to work with Congress to move toward truly patient-centered health care—care that prioritizes the needs of patients over the needs of Washington.

The American Medical Association supports him and says: “[H]is service as a physician, state legislator and member of the U.S. Congress provides a depth of experience to lead HHS.”

The Association of American Medical Colleges supports him and says: “[H]e will bring a thoughtful, measured approach to tackling the wide range of issues affecting the nation’s health.”

And the Healthcare Leadership Council couldn’t be more enthusiastic. “It is difficult,” they said, “to imagine anyone more capable of serving his nation than the Secretary of Health and Human Services than Congressman Tom Price.”

That is high praise. It also happens to be accurate.

The American people need Dr. Tom Price applying his practical knowledge as a doctor and as a legislator at the Department of Health and Human Services, an agency in great need of new leadership.

This job is a big one. There is no doubting that. It requires overseeing some of the Nation’s most important programs, like Medicare and Medicaid, and helping to protect public health at the CDC and helping to find cures at NIH and helping to ensure that the FDA that those cures can make it to the patients.

It is a big job, but Tom Price is the right man for it. We shouldn’t wait a moment longer to confirm him. As soon as we do, we will turn to the nomination of Steve Mnuchin to lead the Department of the Treasury.

Nomination of Steven T. Mnuchin

Mr. McConnell. Mr. President, I will have more to say about Mr. Mnuchin tomorrow, but let me say this. For the last 8 years, Americans had to endure an economy that failed to live up to its potential. Part of the problem was the avalanche of the last administration. It is time to finally move toward a modern regulatory framework instead, one that appropriately manages risks while promoting growth and job creation.

The President has started providing relief that those cures can make it to the patients. The Treasury Secretary has a critical role to play in the effort to make our tax system simpler and more conducive to the kind of economic growth and job creation we should all want. It won’t be easy to get that done. We need someone like Steve Mnuchin working with both parties to make it happen.

The Treasury nominee is smart, capable, and he has impressive private sector experience. We need him confirmed as soon as possible so he can begin to tackle these challenges and reverse the last 8 years of economic heartache.

Reservation of Leader Time

The Presiding Officer (Mr. Rounds). Under the previous order, the leadership time is reserved.

Executive Session

The Presiding Officer. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services, which the clerk will report.

The senior assistant legislative clerk read the nomination of Tom Price, of Georgia, to be Secretary of Health and Human Services.

The Presiding Officer. The Senator from Utah.

Mr. Schumer. Will the Senator yield?

Mr. Hatch. I will be happy to yield. Mr. Schumer. I thank my colleague.

Recognition of the Minority Leader

The Presiding Officer. The Democratic leader is recognized.

Congratulating Senator Hatch: The Longest Serving Republican Senator in American History

Mr. Schumer. Mr. President, before our great friend from Utah gets up, I have other remarks; I will let the Senator from Utah speak. But I want to join my distinguished friend the majority leader in recognizing the Senator from Utah, who has become the longest serving Republican Senator in history.

We have been friends for a long time. He has given me guidance. He keeps telling me he is going to straighten me out one of these days—a work in progress, I guess we would think—but he is a terrific guy. He is a decent man. He is a caring man. He is an honorable man.

He has been a great partisan when he has to be, but he has shown tremendous independence on many different occasions. In fact, probably my mentor around here, Senator Kennedy, loved working with Senator Hatch, and they accomplished great things for America.

Even just recently, on an issue like Puerto Rico, there was not much gain for him personally. I don’t think there is a large Puerto Rican population in Provo or Ogden. But he cared and he knew there was a problem. We spent late nights trying to figure out what to do, and while the solution may not have been as good as some of us would have wanted, it was a solution, and it wouldn’t have happened without Senator Hatch. So we can say that on issue after issue after issue, he has risen to the occasion and has been the best of the Senate.

It is a fitting honor that he is here. Last time around when he was not thinking of running, I think in the hearts of most Democrats there was hope that he would run again, and that was because we so esteem him.

I want to join the majority leader in congratulating Senator Hatch and wish him many, many more years of success both personally—I know he has a large and wonderful family, and we
have talked about our religious faith quite often—as well as a successful career.

With that, I will yield the floor and resume after Senator HATCH has had a few words to say.

The PRESIDING OFFICER. The Senator from Utah.

THANKING THE MAJORITY AND MINORITY LEADERS

Mr. HATCH. Mr. President, I want to thank the distinguished majority leader and the minority leader: I didn’t expect this today; I was just happy to be in the chair. But it was certainly nice of them to say such nice things. That means a lot to me, and I am sure it will mean a lot to my wife Elaine and our family.

I have a great deal of respect for both leaders. Senator McCONNELL is a very close friend and a wonderful leader. I don’t think we have had a better leader than he in my time in the Senate. I will not go on and on, but Senator SCHUMER and I have been friends for a long time, and I believe he is one of the great Senators here. I hope we will be able to work together on a lot of things in the future. I hope we can get out of this rut we are in right now so we can work together so we can feel good about being here, and so we can help this country.

I thank both the majority leader and the minority leader for their kind remarks. I didn’t expect those, and I was a little shocked that they would say those things this morning, but I am very grateful to both of them. I want to thank both of them for being my friends.

I yield back to the minority leader.

Mr. SCHUMER. Mr. President, I thank my friend for his kind words and, most importantly, his distinguished service to his country. Now on to other subjects.

THE PRESIDENT, THE TRAVEL RAN, AND AN ON INDEPENDENT JUDICIARY

Mr. President. I rise on a few topics. First, our President has shown a deeply troubling lack of regard for an independent judiciary. He criticizes individual judges in the court system in general. He has gone so far as to preemptively blame future terrorist attacks on the judiciary for putting a stay on his Executive order. I have not heard a President—I can’t recall a President in history doing something like that, certainly not in my lifetime. Let’s look at the facts. Our President all too often seems fact averse. I have experienced that personally, but much more importantly, in general. Not one terrorist attack has been perpetrated on U.S. soil by a person who received a stay from one of those countries—not one.

Since 1975, 3,024 Americans have been killed on U.S. soil in terrorist attacks. I know that painfully because some of them are people I know who died on 9/11 in that awful, vicious, horrible attack that still stays with me every day.

I wear the flag, this flag on my lapel in memory of those who were lost, and have since 9/12/2001. So I am aware of the danger of terrorists. But of those 3,024 Americans killed, zero of these deaths were the result of an attack by a person from one of the countries listed in the ban. Do you know where I got that information? I didn’t get it from the liberal publication but from the libertarian-leaning Cato Institute. I hope the President is not going to attack them now.

What are the threats of terrorism? The one thing that experts, are two things above all: The lone wolves and the visa waiver program. The lone wolves caused the terror recently in both San Bernardino and Orlando. They were American citizens imported by the evil ISIS. American citizens who were probably disturbed or off base in a lot of ways. ISIS propaganda got to them, and they acted. Nothing in the President’s proposed law would have stopped them, even if it were in effect.

The visa waiver program is the gap in the hole. The visa waiver program tells 29 countries that they can send people here without going through extensive checks and background checks. They are mainly countries that are friendly, but the ones that are part of the EU. But what has happened recently is that those countries have become a place of refuge for terrorists. People trained by ISIS, Belgian citizens, French citizens, who perished in the horrible attacks in Belgium, if they could, God forbid, get on a plane, come to America with few questions asked. The President’s proposal does nothing to stop that. The President’s proposal, if anything, encourages lone wolves because it makes them even more outcast. Those are not my words; they are Senator JOHN MCCAIN’s words, and he is one of the greatest experts in this body and in this country on terrorism.

If the President wants to do something on terrorism instead of these back-of-the-envelope, quickly and shabbily put together proposals, he ought to study it, talk to the experts, and certainly close these two loopholes or greatly decrease the danger of terrorism from these two places.

To blame judges for future attacks because they didn’t pass this law when not a single American has died because of people coming from these countries and to leave open these two gaps, I think is a dangerous mistake. A mistake that, in my opinion, this new nominee to the Supreme Court has to pass a special test: true independence from the President. I worry that he doesn’t have it. His answers to my questions—I go into the thrust of the disapproving in terms of that independence. You can’t just assert “I am an independent person,” which he did. You have to show examples. I await them.

When I met him, he said: Well, I am an independent, He said it to Senator BLUMENTHAL, he said it to Senator SASSER. To whisper in a closed room, behind closed doors to a Senator “I am disheartened,” and not condemn what the President has done to the judiciary and not do what he did do not show independence; it shows his ability to desire an appearance of having independence without actually asserting it. There is even more reason to do it now because the President—I don’t know now; I don’t know who told him about those meetings, but the President tweeted that Judge Gorsuch didn’t say those things, as mild as they were and, at least in my opinion, as insufficient as they are to showing independence. To whisper to a Senator but to refuse to say anything publicly is not close to a good enough showing of independence.

From my view, it is not a good start for Judge Gorsuch—not a good start. I haven’t made up my mind completely. I am willing to—there is going to be a process. There are going to be papers filed; there are going to be hearings. Judge Gorsuch may go further, but right now it is an uphill fight to get my support.

While this President is attacking everyone under the sun, most of it with no basis in fact, just assertions—and by the way, I will talk about this more later, but if we become a nation where facts don’t mean anything, the sun will set on this great country.

We have always been a fact-based country. The Founding Fathers had their views, but they never disagreed on the facts as they debated issues in Philadelphia, for the Declaration, for the Constitution. In this Chamber, where we have had great Senators—the Clays, the Websters, the Calhouns—they never disputed the real facts. Neither, in my opinion, has any President, Democrat, Republican, liberal, conservative, until this one, and he just seems to make it up as it goes.

Today he attacked not only my colleague Senator BLUMENTHAL in what I thought was a cheap way, but he attacked JOHN MCCAIN, one of the most respected voices on national security.
JOHN MCCAIN voiced his views on what happened in Yemen. Most of the independent reports corroborate what JOHN MCCAIN said. The President, of course, said it was a great success. I don’t know if anyone believes—he is saying so many things that are factually not true. I don’t know if anyone believes him anymore. It would be amusing, except it is not; it is sad, very sad.

It is not the first time he has impugned a Republican Senator. He has had both Republicans and Democrats attacking. Ben Sasse, Ben is one of the most independent, thoughtful Senators who I have ever come across on either side of the aisle. I really respect that man. We have spent some time together. We see each other in the gym.

He has attacked the Senator from South Carolina, my friend Lindsey Graham. He has attacked the Senator from Florida. He has attacked the Senator from Kentucky. He attacked the Senator from Arizona, and so many others to let this new President, who seems to have so little respect for other institutions and people, other than himself, oftentimes; are we going to let him force us to change the rules of this great body? Are we going to let him force us to change the rules of this great body? He immediately demanded a changing of the rules on the Supreme Court. I hope not.

In conclusion, I hope these attacks on an independent judiciary are reasserted. I hope my colleagues will join some of us in voicing discontent with those attacks and asking the President to cease and desist. I hope the President himself will stop attacking Senators, whether be it the Democratic Senator from Connecticut or the Republican Senator from Arizona—which just happened this morning. I hope we will not let the President intimdate us into changing the way this body works and instead try to come together, not let him divide us.

With that, I yield the floor.

THE PRESIDENT AND WORKING TOGETHER IN THE

Mr. HATCH. Mr. President, this has been a nice morning for me. To have both the majority leader and the minority leader say such nice things means a lot to me.

Having said that, let me just say I am concerned about this body and how it is going. I am also concerned about the President. I personally wish he would choose his words a little more carefully because everybody in the world pays attention to the President of the United States.

On the other hand, I kind of find it refreshing that he doesn’t take any guff from anybody. I like that. He is a person who speaks his mind, but I have also seen him change his mind after saying he was for something and change it when he got more facts.

He is a brand new President coming right out of the private sector. He is picking people for his Cabinet. I don’t know that I have ever seen any President pick better Cabinet members than he has, not the least of whom will be the two who should go through before the end of this week. Congressman Price is a tremendous change and when I talk to him, he probably has as much knowledge about our health care system as anyone on Earth.

Steve Mnuchin—I didn’t even know Steve Mnuchin, but I spent hours with him. I have to say he is brilliant. I said to him: You know, Steve, you are going to lose a lot of money by taking this job. He said: I don’t care. I want to serve my country.

I was refreshed by this attitude to the point where I am going to help him every way I can to become the greatest Treasury Secretary we have ever had. I will tell you one thing, he does understand a lot about money. He understands a lot about Wall Street. He understands a lot about business acquisitions, exemptions and business matters. He is a practical person, as is our President.

I don’t know that we should be so sensitive sometimes because he often times repeats what he said afterward, and I find that refreshing too. I happen to like this President. I think he is a refreshing new leader for this country. He is not going to play these same old games that almost everybody who has been President has played.

He reminds me a lot of President Reagan in that regard. Of course, Reagan had been a Governor before he came here and a good Governor, but he didn’t take himself too seriously, and he would say some things that got him in trouble from time to time. They all have, haven’t they? I guess, being President, every word you say is being carefully weighed.

This President is going to have to realize that as well. I think he will. He is a very bright man. I think we are lucky that we would have somebody come out of the private sector into the White House, with all the flaws, and flaws that people are finding with Donald Trump, and be willing to take the criticism. Some of those big fights sometimes. Is he perfect? No. Is he ever going to be perfect? No, he is not, but neither will any of us ever be perfect.

I will say this. A lot of us have more experience than he has. On the other hand, in my eyes, isn’t it wonderful to have someone who has been immensely successful in the private sector—who has had some very tough realities in the private sector, who has had his ups and downs in the private sector, who understands pain, who understands excellence. I think there is somebody like that who just may be able to pull this country out of the stinking mess it is in, a mess caused by a superabundance of bureaucracy, by arrogant Members of Congress, and by very liberal States that are dependent upon the Federal Government rather than upon themselves? I could go on and on and on.

I will give this President a little bit of a chance. Above all, let us give him his Cabinet and let us quit playing these games. I know some on the Democratic side must feel they are making headway by playing these silly games, knowing that these Cabinet officers are going to come before us. While we stopped them from being able to do the job that needs to be done. They have made it more difficult than any President I recall in my time in the U.S. Senate. They are treating this President in a very belligerent, avoided way. So I think we ought to give a little bit of leeway for him to make some verbal mistakes from time to time—even though we all wish he wouldn’t.

I will say I think it is time for this body to start working together. I think importantly, start working together. There is nothing we cannot do if we work together. We can save this country if we work together. We could have a better attitude in this country if we could work together. Mr. President, I think he is an exemplar for the rest of the world if we work together.

Look, there is no excuse for these two big fights that are going on. I like big fights on the floor. I like big fights on the committee. Some of those big fights sometimes. Is he perfect? No. Is he ever going to be perfect? No, he is not, but neither will any of us ever be perfect.

I will say it would be wonderful if, on the other hand, we could get Democrats and Republicans to work together. I remember in the early days, when I became one of the youngest committee chairmen of a major committee in history, when I became chairman of the Labor and Human Resources Committee—which is now the Health, Education, Labor, and Pensions Committee—there were nine Republicans.

Senator Kennedy came over from the Judiciary Committee, which he had to become chairman of, to become a member. There were seven Democrats, including Senator Kennedy, but two of our Republicans from the Northeast were from States that were quite liberal. I didn’t blame them, but I knew that Kennedy had the 9-to-7 ideological edge. I was going to be chairman, and I could determine some things, but I wasn’t going to be able to get much done unless I had some help from Senator Kennedy.

Senator Kennedy was not known for being cooperative up to that time. He was not known as a person who really aligned with Republicans to try to get things done. He was known as a bomb
thrower and as somebody who really was one of the most articulate, liberal Democrats in this body.

In his own way, he was a very interesting and good Senator, but he was not known for bipartisan work at that time. Just over any one who will work with you, there are some things I can’t do—meaning the unions, the feminists, et cetera—but I will help you, that is how the Hatch-Kennedy relationship began and began to bear fruit.

It could not have happened, except for two tough people with differing principles who were willing to get together and set aside their differences and do some things that were not only important to the country but beneficial to the country. We were known as the odd couple. He would laugh about that in public and say: We are known as the odd couple. I would always point to him and say: of all who know the odd one is, don’t we.

He would laugh. He was a fun guy to be with. When he was serious about something, he could be a formidable challenger, but he earned the right to be there. I would pop off at the side because he wanted to President. He earned the right, he earned our respect, and he earned my respect. From that time forth—he was considered a very great Senator at that time, but he was not considered a great legislator. He went on from there and became a great legislator. I know because we worked together on things that are law today and good laws today. He had to learn to be able to compromise to be able to get this type of work done—and so did I.

We have to earn respect here. It isn’t just by popping off on the Senate floor; it is by working as hard as we can to do the best we can for our constituents, for the American people. In the country of both parties—of all parties—in the interest of everybody.

I wish we could get more of that back. I miss Senator Kennedy. I could talk to him, I could pull him off his liberal perch. I could get him to do things that nobody could get him to do up until that time, and he could get me to do some things I wasn’t inclined to do at the beginning. But as we worked them out, we found out that some of the things we both agreed on—by pulling each other together—became some of the most important bills in history. I would like to see more of that here.

I wish to see us all start working together to do that which would be to give the President the Cabinet he needs and wants. Maybe that is one reason why he is saying some things that those on the other side are finding fault with and maybe on my side are finding fault with and maybe on my side are finding fault with and maybe on my side are finding fault with. Nobody is perfect, and everybody has some things that they wish they didn’t have in their biography.

But I can say this: I was very disappointed in this body for holding up Jeff Sessions, who is a really good person. I haven’t always agreed with Jeff Sessions, but I think he was honest in his beliefs, and he was courteous in making his arguments. He did a lot of things that really were right. Frankly, the fact that we differed was kind of irrelevant because he was worthy of his position. I could go through a number of others.

Let me just say that I happen to be one of the people who really like the minority leader in this body. I think he could become one of the great leaders of this Senate, we all know that. He is aggressive; we all know that. He has had some degree of success around here; we all know that. He represents a huge constituency; we all know that. He is a good man; we all know that. And he has a good family; we all know that. Let’s get rid of some of the picaayune fights around here, and let’s start working together.

The majority leader, Senator McConnell, in my opinion, is the best majority leader we have had a long, long time. He is smart. He understands the system. He loves the Senate. He is a very honest and good man. He is tough as nails. I am sure he has flaws, just like all the rest of us.

But these are two really potentially great leaders who could not only bring us together but could help us to save this country at a time when it needs saving, where we have $100 billion in unfunded liabilities—I mean trillion dollars; not a million dollars; where we are deeply in debt. We are now $20 trillion in debt.

These two gentlemen could bring us together and could help solve these problems if we would put the politics aside, for the most part. We have to have some politics here, or this would be an uninteresting body, but we don’t have to have it on everything. If these two gentlemen could get together—they are both bright, they are both smart, and they both had given a lot of personal and political, if not personal, of them. I could say I love both of them. If they would really start working together, we could turn this country around. But to do that, the distinguished Senator from New York is going to have to be concerned about the national debt and the annual deficit, and the distinguished Senator from Kentucky is going to have to do a lot about what motivates the Democrats and what we can do to find common ground with the Democrats.

I believe these two men can do that, and I am hoping with all my heart they will carry a lot about what motivates the Democrats and what we can do to find common ground with the Democrats.

I believe the President will grow into becoming a great President, these two leaders and give the President his Cabinet and his leaders so that he has at least a shot at pulling this country out of the mess it is in. It is going to take a President Trump. It is not going to take another one of these议题 believe it is the person who is right for this time. I believe he will do a terrific job if we will help him. We will have differences, but I believe he will pay more attention, and I believe we will get better people to come into the government to help him to do this work and his job.

I may be a little bit naive in thinking that we can do all of this, but I think we can. And that is said by somebody who was told: You don’t want to work with Senator Kennedy. He is a rock-ribbed liberal who doesn’t really care about what Republicans like. Well, I found that by working with him and he found that by working with me we were able to do things that helped our country. He was a good person because he was a prestigious Senator, no question, and partly because I am an active, hard-working, fighting Senator who kind of appealed to him because he knew he had somebody who would help him to do things. He was also smart enough to be able to help him to get things done in better ways than they would have been done.
Well, I have said enough. I just love this body. I personally have been very moved by the kindness of the two leaders, and I just hope we can get together and do these things the right way. We are not going to go anywhere with constant bickering and fighting and the constant finger-pointing. President—and Senator, the President that we have around here. I don’t mind that. I mean, I think there is something to that, but it can’t be every time a person opens his or her mouth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I rise today to say thank you. Republicans and Democrats have been talking for a long time this week, and perhaps that is productive. But without any question, from what we have seen, I think both sides would agree that the support cast has made this possible. I think it is important for us to pause for just a moment and say thank you.

We have pages who are juniors in high school here with us around the clock, and we want to say thank you to the pages, to the clerks who have been at their places on and off over the last 4 days, nearly around the clock. I want to say on behalf of our side and the Democrats, I believe we all are very thankful and appreciative for your long hours and the time you have served us. Thank you for helping us represent the American people.

I would also like to point out a few people by name because these folks have been here for up to 57 hours straight—57 consecutive hours of doing their jobs. Captioning services: Sandra Schumm, Brenda Jameson, Doreen Chendorian, Jennifer Smolka, and Laurie Harris.


On behalf of a thankful Senate, we appreciate your time and your dedication to the American people, allowing us to do what we have been doing.

God bless.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, let me first of all say I echo the comments of my colleague from South Carolina. Thank you to all of you who have been working so hard.

I rise to yield the remainder of my post cloture time to Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I appreciate your flexibility during Senator HATCH’s speech. I thank Senator HATCH for the support he has shown for NOMINATION OF STEVEN MNUCHIN.

Mr. President, I rise to yield the remainder of my post cloture time to Senator SCUMMER.
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I don’t know too many people who actually receive Medicare—unless they are Members of Congress who really think that Medicare is socialism. Medicare has worked for—for back in 1965—Senator DURBIN doesn’t remember this as a Member of the Senate, but he remembers the two votes he voted against Medicare. When LBJ signed Medicare, 50 percent of Americans 65 and older had no health insurance. Today that 50 percent has shrunk to less than 1 percent of Americans that age don’t have health insurance. This isn’t about that progress and what this means.

Congressman PRICE wants to be the head of Medicare. He wants to be the head of Medicaid. He wants to be head of the agency that is going implement the Affordable Care Act if he can’t repeal it. Think about this. He wants to privatize Medicare. He wants to voucherize it. He has voted consistently for Republican budgets in the House to do that.

Do you know what else he wants to do that is particularly offensive to me? He is offensive because we sit here and we dress well and we have good titles and we get paid well and we have insurance funded by taxpayers. He wants to raise the age for Medicare eligibility.

Look around my State. The Presiding Officer grew up not far from where I live in Cleveland, OH. He knows his adopted State way better, and he knows what this means. If you are a barber in Garfield Heights, you have to wait until 67, or even 70, according to Congressman PRICE, before you are eligible to draw Medicare. If you are a carpenter in Westlake, OH, you have to wait until you are 67 or 70 to draw Medicare. If you are working construction in Lima, OH, or if you are working a manufacturing plant in Mansfield, OH, if you are working retail in Cincinnati, OH, if you live in Zanesville and you are going in a diner, you are going to wait until you are 67 or 70 until you can draw Medicare.

That is what Congressman PRICE wants to do. Not only are his ethics challenged—that should be reason enough he should step aside. Buying and selling stocks, health care stocks as a Member of Congress while you are voting and helping those companies, that is bad enough, but what he wants to do is particularly offensive to me. It is offensive because we sit here and we dress well and we have good titles and we get paid well and we have insurance funded by taxpayers. He wants to raise the age for Medicare eligibility.

I would like Congressman PRICE to meet her and Congressman PRICE to say: Well, lady, you know, your goal in life needs to be you can live 3½ more years so you can be 67 or 70 to get this. Think about that. Her life is such that her goal in life isn’t to get to know her grandchildren better or help her kids out or maybe take a trip to New York City or even Cleveland, her goal in life is to live long enough to have Medicare.

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I would like Congressman PRICE to meet her and Congressman PRICE to say: Well, lady, you know, your goal in life needs to be you can live 3½ more years so you can be 67 or 70 to get this. Think about that. Her life is such that her goal in life isn’t to get to know her grandchildren better or help her kids out or maybe take a trip to New York City or even Cleveland, her goal in life is to live long enough to have Medicare.

Congressman PRICE, I know him. I don’t know him well. He is a nice enough guy. Voting for somebody who wants to raise the Medicare eligibility age, that to me is immoral. It shows how out of touch Congress is. And we are thinking that most of my colleagues who will vote for Congressman PRICE have never sat down with somebody who would think it is a really bad idea, not to mention immoral, to raise the Medicare eligibility age.

I plan to join a lot of my colleagues in voting no on Congressman PRICE. I think it is the wrong move for our country. I think it is the wrong move for particularly seniors in this country who are working on Medicare and on Medicaid, people of all ages. It is clearly the wrong move for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF NEIL Gorsuch

FLAKE, Mr. President, as I did last week, I rise again to support the nomination of Judge Neil Gorsuch to serve on the Supreme Court. As we know, he is an accomplished, mainstream jurist, and he is a worthy successor to the late Justice Antonin Scalia. I look forward to seeing him receive an up-or-down vote on the Senate floor. I truly hope that happens.

After meeting with Judge Gorsuch and learning more about his judicial philosophy, I find particularly impressed by his humble respect for the law and his commitment to service. Before the hearings in the Judiciary Committee, I wanted to take the opportunity to highlight one aspect of his jurisprudence that, I find particularly important: the separation of powers.

To hear some of our friends on the other side of the aisle, Judge Gorsuch represents two equal yet opposing dangers to the country. First, they warn that he will lack any independence of thought or commitment to the Constitution. They allege that he would serve merely as a rubberstamp for President Trump and his agenda.

In the same breath, though, they claim he would engage in unprecedented judicial oversight of the Federal executive agencies. In other words, our colleagues on the other side of the aisle assert that Judge Gorsuch should be both too deferential to Federal agencies and not deferential enough.

The truth is, these warnings and accusations are entirely unfounded, and they appear to be grounded more in political calculations than in honest concern. For my part, I am excited about the prospect of confirming a Justice who not only represents the separation of powers but reverses it as one of the central principles of the Constitution: commitment to the constitutional separation of powers could not come at a more crucial time, as executive branch agencies have increasingly accumulated power and autonomy over the years. Both the Congress and the Federal judiciary bear responsibility for this.

Legislatively, Congress simply cedes too much of its own lawmaking power to the executive branch. We have been doing that for years. These agencies have been legislating through Federal regulation. In turn, Congress has allowed unelected bureaucrats to create law and determine how that law should be implemented.

We have to stop this erosion of our article I power. Congress needs to take ownership of its lawmaking authority and reverse this dangerous trend toward governance by executive fiat. The Federal judiciary needs to use its constitutional prerogative to rein in the executive branch.

Ever since the 1980s, Federal courts have grown far too far into executive agencies. Under a doctrine known as Chevron deference, the courts defer to agency decisions if it makes “reasonable” regulations based on “vague” statutes.

In fact, this means that when the Federal courts consider an agency decision, the judges have a new catchphrase: “The agency is always right.” This should concern my colleagues on the other side of the aisle who voiced strong concerns about Judge Gorsuch.

I don’t think the Founders ever intended for two constitutional branches of our Federal Government to voluntarily cede the power to the third. Importantly, neither does Judge Gorsuch. Judge Gorsuch has been extensively both about delegation and deference in his role as judge on the Tenth Circuit Court of Appeals.

He addressed the issue of delegation in a recent case called Caring Hearts Personal Home Services, Inc. v. Burwell. In it, he noted:

Executive agencies today are permitted not only to enforce legislation, but to revise
and reshape it through exercise of so-called "delegated" legislative authority.

He continued:

The number of formal rules these agencies have issued, thanks to their delegated legislative power, has grown so exuberantly, it’s hard to keep up. The Code of Federal Regulations now clocks in at over 175,000 pages.

He noted that delegation presents both separation of powers problem and due process problems. The reason is simple. The executive is doing the work of the legislature.

In terms of due process, Judge Gorsuch wondered whether and how agencies can be fairly expected to keep pace with and conform their conduct to all this churning and changing law.

He further questioned: “What happens if we reach the point where even these legitimate legislating agencies don’t know what their own ‘law’ is?”

Judge Gorsuch could not be more correct. With tens of thousands of pages published in the Federal Register every year, it is fair to wonder how any agency, can be certain of the legal effect of its own rules. If the agencies that write these laws can’t keep track of them, how can a small business owner in Arizona be expected to comply with the litany of ever-changing rules written by unelected bureaucrats?

Judge Gorsuch has also discussed the problem of deference and explained the proper relationship between Federal agencies and the courts. In his concurring opinion, in Gutierrez-Brizuela v. Lynch, Judge Gorsuch explained:

In enlightenment theory and hard won experience under a tyrannical king, the founders found proof of the wisdom of a government of separated powers.

He continued:

The founders considered the separation of powers a vital guard against governmental encroachment on the people’s liberties, including all those later enumerated in the Bill of Rights.

Judge Gorsuch found Chevron deference inconsistent with this constitutional framework, which he called “no less than the made doctrine for the abdication of the judicial duty.”

He concluded:

We managed to live with the administrative state before Chevron. We could do it again. Put simply, it seems to me that in a world without Chevron, very little would change—except perhaps the most important thing.

The separation of powers is the most important feature of our constitutional system of government. When each branch of government serves as a check on the other, it fosters a more deliberative, judicious, and limited form of governance. As someone who embraces limited government, it is a privilege to support and confirm a judge like Neil Gorsuch who supports this philosophy.

As I have said before, and I will say again, Judge Gorsuch deserves fair consideration by those who serve in this body, and he deserves an up-or-down vote on the Senate floor. When he receives that vote, he will be confirmed overwhelmingly.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Illinois.

Mr. DURBING, Mr. President, those following the proceedings of the Senate may be wondering what we are doing. Technically, we are considering the nomination of Congressman Tom Price of Georgia to serve as Secretary of Health and Human Services—a position he has been nominated for by President Trump. Other Members have come to the floor and discussed other nominees, as the junior Senator from Arizona just discussed the Supreme Court nominee, but I wanted to make sure I came to the floor for a few minutes to put my thoughts on the record about the nomination of Congressman Tom Price to be Secretary of Health and Human Services.

It almost seems like a natural fit. He is an orthopedic surgeon. This man obviuosly is gifted and educated when it comes to the healing arts, and he made a living before his election to Congress dealing with complex surgeries. On that alone, he needs to have honest consideration from all Members of the Senate as we will advise and consent to his nomination to Secretary of Health and Human Services. But he will not be entering surgery when he goes to the Health and Human Services Department, at least not the kind of surgery experience he has had. But he is going to be in charge of some of the most important health care programs in the United States of America. They are programs that literally tens of millions of Americans count on; 50 or 60 million Americans count on Medicare.

Medicare is that program created in the 1970s under President Lyndon Johnson that said: You don’t have to reach a point in life where you are so old that you can’t work anymore and therefore you can’t qualify for health insurance at age 65. You are going to be able to have health insurance coverage at age 65. It was a dramatic change in the way we looked at health care in America, and it was controversial. The medical professions opposed Medicare. They argued that creating this health insurance plan for senior citizens—and later for the disabled—was an intrusion of socialized medicine, which meant that the government was going to make the decision about your health care—no longer you and your doctor; it would be the government making these critical decisions. So the American Medical Association and many others opposed the creation of Medicare.

Despite that opposition, the bill went forward and passed and became law. I would go out on a limb today as a politician and say it may be the most popular single political program, perhaps only second to Social Security, in the history of the United States. Overnight, it changed the treatment of our parents and grandparents. There was a time—and there aren’t many left who can remember it—when it reached the point where Grandma had to come and live with you because there was no place for her to go. She perhaps worked in life and perhaps hadn’t. She had a little amount of money and she had very modest, if any, Social Security. She was in and out of the doctor’s office and hospital. And she was in the spare bedroom. I can remember that growing up as a kid. That was considered somewhat normal at the time.

In the 1970s, that started to change. It changed, obviously, with Social Security but also with Medicare. Now your grandmother had access to a doctor and a hospital, and it didn’t cost her life savings. What a big change it meant. As we learned when Medicare was created, almost half of the seniors in America had no health insurance. Now that number is 1 or 2 percent.

Medicare has worked, and it has worked to give people lives. That is the real proof. I can brag about it all I care to, but the bottom line is that senior citizens, starting with the creation of Medicare, started living longer, more independent lives. Isn’t that what our forefathers thought? Isn’t that what our founding fathers thought? Isn’t that what they thought about making our nation a place for good health and independence in the way they live? Medicare has been the key to that.

It is hard to imagine that here in 2017 we are going to initiate another debate about the government’s role in health care. Should we have Medicare. Fifty years later we are going to go through this debate all over again? Apparently so, because the nominee of President Donald Trump to be the head of the Health and Human Services Department, Congressman Tom Price of Georgia, has said some troubling things about Medicare.

In Politico, he said: “Nothing has had a greater negative effect on the delivery of health care than the Federal government’s intrusion into medicine through Medicare.” What was he thinking? He obviously never looked at it from the perspective of someone of limited means who finally had a chance for the protection of health insurance at age 65. I met those people. One of them is a friend of mine. Her name is Judy. Judy lives in Southern Illinois. I met her because she is a sweet lady who is head of hospitality at a motel where I stay in Southern Illinois. She is a happy person with a big smile, and I have gotten to know her over the years. We became friends.

I came to learn one day that Judy has spent most of her life in jobs just like that. She is not a lazy person at all, but she is lucky to get part-time jobs. And when I met her at age 63, Judy told me, whispered to me once, “Senator, I have never had health insurance in my life.” That is a heartbreaking statement when you think about it, isn’t it? This lady lived 63 years never once having health insurance. Judy told me, whispered to me once, “Senator, I have never had health insurance in my life.” That is a heartbreaking statement when you think about it, isn’t it? This lady lived 63 years never once having health insurance.
for her or not? I told her that because her income was at a certain level, she was going to qualify for health insurance under the Affordable Care Act with no premium. She was brought into the Medicare Program at age 63. For the first time in her life, she had health insurance through the Affordable Care Act—a low-income wage earner, eligible for Medicaid at no expense to her.

And it didn’t come a moment too soon. On one of my next trips down South to see Judy, she didn’t look as healthy as she once looked. Turns out she had been diagnosed with diabetes. And at age 64, she was in need—desperate need of ongoing medical care or complications were likely to set in. It was shortly after that she qualified for Medicare. So Judy has coverage. Judy has a doctor. Judy has people who care about her in her life.

That is why I wonder what Congressman Price, who wants to be Secretary of Health and Human Services, is thinking. What is he thinking about people just like her?

Let’s take a look at what we have before us with his nomination. This Department touches the lives of virtually every American family, every health and Human Services. I talked about Medicare and Medicaid, but this is the Department that is responsible for medical research too—the National Institutes of Health, for example. This is the Department that oversees the Centers for Disease Control, and that is the agency which had to fight the outbreak of Ebola in West Africa. This is the Department that is in charge of promoting healthy births of babies in America and, of course, caring for our seniors I have spoken about.

On many of these issues I have just outlined, Congressman Tom Price of Georgia has made his views very clear. His legislative record and his core values are apparent. And Congressman from Georgia are in contrast with the missions of the very Department President Trump has asked him to lead. Let’s take a look.

New York Times said Congressman Price’s views on the role of government in health care can “be summed up in one word: Less.”

Congressman Price has spent his political career opposing many of the basic Federal health programs he is now seeking to oversee. He has repeatedly voted against the Children’s Health Insurance Program, which is a program that provides health insurance to 8 million kids in America. Even before passing the Affordable Care Act, we decided we were going to provide health insurance coverage to children, making a real commitment at the Federal level on a bipartisan basis to do it. Eight million kids are covered nationwide, 300,000 in Illinois.

Congressman Price has spent the last 6 years in a desperate attempt to repeal the Affordable Care Act, ObamaCare. If he were successful in that effort, it would eliminate health insurance for 30 million Americans and lead to dramatic premium increases for those with health insurance. Last year, it was Congressman Price of Georgia who authored the repeal and retreat reconciliation bill. It was thank-goodbye to it, by President Obama.

Bound and determined Congressman Price was to eliminate ObamaCare. And for 6 years, Republicans have never had a replacement. That is why they are changing their rhetoric. It went from repeal and replace, and now it is repair. I can’t keep up with them. But I will tell you, starting with repeal is inviting a disaster in health care in America and calling into question the health insurance coverage of 30 million people in our country. So if Congressman Price had his way, it would mean less funding, fewer services, and fewer people covered.

In addition to wanting to repeal our health care law, Congressman Price believes it would negatively change Medicare and Medicaid. Those two programs together serve about one-third of the people living in America, 120 million. He wants to eliminate the Affordable Care Act’s expansion of Medicare.

Remember Judy? Her income was too low. She couldn’t pay any health insurance premiums. But because her income was so low, she qualified to be brought into the rolls of Medicaid in Illinois. Over 600,000 people just like her were brought into protection of health insurance for the first time in their lives. This is one of our best tools for primary care for people who are in low-income situations—Medicaid.

Because we included in the Affordable Care Act a guarantee that health insurance would cover mental illness and substance abuse treatment, in some parts of my State where opioid addiction and heroin deaths are so critical, I want to fight for those health insurance policies that have access to substance abuse treatment. Congressman Price, who would repeal ObamaCare, would eliminate that guarantee in health insurance.

Repealing the Medicaid expansion that I mentioned earlier would put 650,000 Illinoisans out of insurance, and our State would lose $37 billion in Federal funding over the next decade. What impact does it have if a person shows up at an emergency room sick, without health insurance, that person still receives care, but who pays for it? Everybody else. People with health insurance end up paying for those who receive care and don’t pay for it. Medicaid makes sure that hospital receives a payment. So when Congressman Price wants to eliminate the coverage of Medicaid under the Affordable Care Act, it means less money coming into the hospitals across America. Some hospitals are big and prosperous, and they can take it; others can’t. And I believe I live in Illinois where I hail from, smalltown America, hospitals in those communities losing Medicaid, which Congressman Price would eliminate, are going to have a tough time staying open.

The Illinois Hospital Association tells us we will lose 90,000 jobs if Congressman Price’s plan to repeal the Affordable Care Act goes forward—90,000 in Illinois. I need not tell you they are paying jobs in downstate communities. So it is a job-killer, and sadly it endangers the health of the people who count on these hospitals.

What is he thinking? He is a doctor. How would you think of in words of what it means when you don’t protect people with basic health insurance. Right now, if you qualify for Medicaid, you are guaranteed to get health care. Under Congressman Price’s plan—the man who wants to be head of Health and Human Services—the guarantee is gone. Illinois would have lost $14 billion in Medicaid funding if Congressman Price had his way.

Faced with far less Federal funding, the States would have to find ways to save money, even worse than what we currently have in our State. They might start Medicaid waiting lists or work requirements or cut benefits. Think about it. A person nominated to lead the Nation’s premier health agency would be charged with gutting that would take health care away from people.

It gets worse. Congressman Price wants to privatize Medicare. Be careful when you hear a politician stand up and say, I want to give you access to health insurance. Well, I have access to a lot of things. I can walk onto the showroom floor of people who are selling $35,000, $95,000 cars. I mean, I have access to those showrooms. Can I buy one of them? No. I can’t afford it. Most people couldn’t. But I have access to it. So when they say you have access to health insurance, the obvious next question is, What kind of health insurance? And how am I going to pay for it? Would you think of in words of “access.”

It is a loaded political word.

Just the other night my colleague Bernie Sanders was debating Senator Ted Cruz of Texas, and darned if Senator Cruz didn’t come up with that word, saying we have to make sure every American has access to health insurance. No, we have to make sure every American has health insurance. How about that? Health insurance they can afford that is worth buying. Congressmen want to privatize Medicare. So instead of having a government-run program for tens of millions of Americans, he wants to put seniors and the disabled in America back in the loving arms of health insurance companies. How about that?

Do you remember a time when you or your family was on the phone with somebody, begging them for health insurance coverage, waiting and waiting and waiting for your turn? That is what he thinks is access and that is what he thinks is basic health insurance. I don’t. Ending the guarantee of Medicare for hardworking American seniors and handing them a voucher
and wishing them good luck on finding their own insurance—that may be access, but it is not protection.

The point of vouchersizing Medicare is to save the government money by forcing seniors to pay more out of their own pockets. Congressman Tom Price’s approach, and now he wants to head up the agency in charge of Medicare. Don’t take my word for it. He said: “Nothing has had a greater negative effect on the delivery of health care than the federal government’s intrusiveness into medicine through Medicare.”

Since 1965, when we created Medicare, listen to what has happened. Before Medicare, 51 percent of Americans 65 or older had health care coverage and nearly 30 percent lived in poverty. That is before 1965. Today, 98 percent of seniors have health care coverage, primarily because of Medicare. Fewer than 10 percent live below the poverty line. It has made a dramatic difference in their lives, the length of their lives, and the independence they enjoy in their lives.

In addition, by ensuring access to care for more people, Medicare has contributed to life expectancy—5 years higher today than it was in 1965. So, Medicare has helped ensure more seniors have health care coverage, primary because of Medicare. Fewer than 10 percent live below the poverty line. It has made a dramatic difference in their lives, the length of their lives, and the independence they enjoy in their lives.

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There are so many different issues where Congressman Price has taken what I consider to be radical and extreme views, particularly when it comes to health care. I won’t go through the long list, but I will say this. We debated the future of Medicare when I was a member of the Simpson-Bowles Commission. We were looking at the deficit situation facing our country and looking, as we should, at entitlements. Many of us said at the time: Be careful about raising the eligibility age for Medicare. For a Congressman or a Senator, a couple more years at a desk before you qualify for Medicare is not a big ask. But if you happen to be a waitress on her feet every day, suffering from arthritis or some other issues, 2 more years in the workplace literally are backbreakers. If you happen to be driving a truck, making deliveries, changing the Medicare eligibility age from 65 to 67 or 70 is something to get in trouble. That is where people actually are going to face a hardship.

Sadly, Congressman Tom Price of Georgia doesn’t get it. He doesn’t understand that part of it. Because he doesn’t. He is going to be opposing his own nomination and watching carefully and closely.

There is going to be a battle royal on the floor of the House and the Senate, the Department of Defense, as important as it is for America’s security, wants all the money it can get its hands on, and I want to make sure we always spend enough to keep us safe. But the battle is going to be between defense and nondefense. Nondefense includes health care. Nondefense includes medical research. Nondefense includes education.

Now we are going to have someone here at the Department of Health and Human Services who, sadly, is not committed to the basics of Medicare and Medicaid. That is not good news for seniors and disabled people across the America. That is why I am going to oppose Congressman Price.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise to agree, briefly, with the remarks of my friend, the senior Senator from Illinois, and to comment that the nomination of Congressman Tom Price of Georgia to be Secretary of Health and Human Services is concerning, even alarming, to all of us who have reviewed his record—his record, his public statements, his work—that threatens to privatize Social Security, that threatens to restructure and fundamentally change the promise of Medicare, and that offers the promise of repealing the Affordable Care Act without any plan to replace.

I could not agree more with the words of the Senator from Illinois that we should all be cautious about being promised access without any pathway towards the ability to actually afford quality health care.

Mr. President, I yield the remainder of my postcloture debate time to Senator Wyden.

The PRESIDING OFFICER. The Senator has that right.

The majority whip.

NOMINATIONS

Mr. CORNYN. Mr. President, I appreciate, as always, the courtesy of our colleagues.

Earlier this week, we confirmed Mrs. Betsy DeVos as the next Education Secretary, and last night—finally, at long last—we confirmed Senator Jeff Sessions to be the Attorney General of the United States. That represents the eighth nominee to the President’s Cabinet who has been confirmed. At this point in the Obama administration, there were 24 Cabinet members confirmed. So, obviously, we are way behind in terms of giving the President the team he needs in place in order to start his administration and advance the country’s policies.

We will move after today to the Department of Health and Human Services Secretary, Dr. Tom Price, and then to the Treasury Secretary, Mr. Mnuchin. The handwriting of course is on the wall. We all know each of these nominees will be confirmed. How do we know that? Because, thanks to the former Democratic leader, who invoked the nuclear option changing the Senate rules, the majority leader today has to confirm a nominee since there is no filibuster, strictly speaking, no 60-vote requirement for nominees. So my question is this: What purpose is to be served by dragging all of this out?

Unfortunately, what this does is it uses floor time, which is a valuable and limited resource here in the Senate. It prevents us from turning to bipartisan solutions that will help the American people. That is a real shame. Of course, beyond our political parties, beyond our differences in philosophy and opinions on various policy matters, we are here to work for the American people. And we have sent the American people to do just that. In fact, I think, more than anything, the election on November 8 was a mandate for change.

I think the American people had become pretty—well, I think we had used up all their patience in both political parties in our inability to actually get things done. So just slowing down the confirmation process for the purpose of delay I think ignores the mandate we received on November 8 from the American people when they voted for change.

Looking back through recent history, we will see that this bipartisanship has characterized a peaceful transition of power from one administration to the next. President Obama, to his credit, has confirmed a record—his record, his public statements, his work—that threatens to privatize Social Security, that threatens to restructure and fundamentally change the promise of Medicare, and that offers the promise of repealing the Affordable Care Act without any plan to replace.

I could not agree more with the words of the Senator from Illinois that we should all be cautious about being promised access without any pathway towards the ability to actually afford quality health care.

Mr. President, I yield the remainder of my postcloture debate time to Senator Wyden.

The PRESIDING OFFICER. The Senator has that right.
it has taken to confirm a majority of a new President's Cabinet since George Washington in 1789. This goes back to the origins of the country. That is pretty shocking.

For our colleagues to keep the President's word is not only a rejection of the verdict of the American people on November 8 but to this institution and to the stability of the government and that peaceful transition of power that President Obama said he believed in and I think demonstrated by his actions.

We need adults to stand up and say we are not going to cater to the extremes in either political party, but we are going to seek common ground for the common good of our country. That is a position many of our Democratic colleagues have agreed with until today.

The day before the election last November, the Democratic leader indicated a willingness to work with his Republican counterparts to reach across the aisle in order to do so for what was right for the American people. Senator Schumers, our colleague from New York, said on November 16:

We have a moral obligation, even beyond the economy and politics, to avoid gridlock and get the country to work again. . . . We have to get things done.

But at the time Senator Schumer said that, he expected Hillary Clinton to be President. But now President Trump is the President-elect. I think the same obligation applies to a Trump Presidency that he felt should apply to a Clinton presidency.

Now, the Democratic leader is singing a different tune, and we know what the results are. I actually don’t envy our friend from New York, the Democratic leader. He has perhaps one of the toughest jobs in Washington, DC. He has allowed a narrow political base full of people who want him to block, stall, and delay even his President at every turn. But I have worked with the Senator from New York before. He and I see the world through a different lens, but we have found ways to come together and work in practical ways that benefit our constituents and the country.

But I can tell he is being pulled in different directions that he is not particularly comfortable with. But what he is doing is allowing that loud narrow base of his political philosophy to lead his conscience and his party. I think he knows what is good for the country and for the people we all work for, and that would be to resist the urge to feed the radical elements and to work together for the interest of the American people.

Just last week, President Trump announced the nomination of an incredibly well-qualified judge for the next Supreme Court Justice. As of today, several Senate Democrats have indicated they want additional hearings on that nomination. I think that is positive. I hope those are representative of the cooler heads that will prevail on the other side of the aisle when it comes to taking up the nomination of this incredibly qualified judge for the U.S. Supreme Court.

People on the right and on the left alike have acknowledged that Judge Gorsuch is an incredibly qualified nominee, and widely recognized as such by liberals and conservatives alike. Some of our friends on the other side are grasping at straws, searching for ways to call his background or qualifications into question. That is the nomination as a way to continue to contest and deny our new President the mandate he received from his election on November 8.

The Democratic leader even suggested that because Judge Gorsuch would not answer all of his questions in a private meeting, he was somehow hiding something. Well, our friend across the aisle knows—he is a smart Senator. He is a good lawyer, and he understands that a judge is not supposed to answer before they get on the bench how they would decide cases once they are on the bench.

Judges are not politicians, wearing black robes, unelected, life-time tenured super legislators. So it would be completely inappropriate for any nominee for the Court to come, either in a private meeting or in a public setting, and say: Well, if I am elected, I will decide this issue in this way. That is completely contrary to the responsibility of a judge, and I think mistakes the important distinction between how judges and legislators ought to act.

Judges are not politicians. We don’t want them as politicians. We want them as an independent judiciary that can interpret the Constitution and laws as written. This is an important difference between some of our friends on the left and those of us who believe in a traditional judiciary. I believe because judges are life-tenured and they are unelected, they are ill-suited to become policymakers for our country. Indeed, as to Justice Scalia, I thought this was one of his life’s work. He said:

A judge’s job is to interpret the written word, either the Constitution or the statutes written by the elected representatives of the people. It is not to pursue a separate and independent policy agenda or personal agenda just because you have the power to do so as a life-tenured judge.

So the fact that Judge Gorsuch does not answer questions about how he would decide cases once confirmed, I think, means he is being true to his responsibilities as a judge. If someone were willing to make those sorts of campaign promises before they were confirmed, I think they would be disqualified from serving. Take the example of Justice Ruth Bader Ginsburg during her confirmation hearings in 1993. She said she did not want to give any indication of how she might vote on an issue before her. So she politely declined to answer those questions.

Nominees have since followed her example so much that it has now become known as the Ginsburg rule. So I hope our friends across the aisle don’t now take the position that Judge Gorsuch would be disqualified because he invokes the Ginsburg rule, which all responsible judges on the Supreme Court should invoke. It has been a consistent theme throughout.

So let’s drop the excuses, and let’s get to work. I hope that at some point the fever will break and our friends have the same attitude as the Democrats across the aisle and will quit the foot dragging, quit the slow walking for delay’s sake alone. I don’t know who benefits from that—certainly, not the American people.

When it comes to nominees like Judge Gorsuch, I hope our colleagues will apply the same standard that was applied when a Democratic President nominated somebody for the Supreme Court like Justice Ginsburg. I hope they will not have a double standard because it is no longer the standard should be the Ginsburg rule and give this good judge, an outstanding nominee for the U.S. Supreme Court, the up-or-down vote he deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. Cantwell. Mr. President, I come to speak on the nomination of Congressman Price to lead the Health and Human Services Department. But I want to respond to my colleague from Texas on his remarks. He wanted to know why Members of our side of the aisle wanted to have information about nominees or why it might take so long.

There are a record number of billion-aires in this Cabinet. There is nothing wrong with people making money. But when you have conflicts of interest, clearly people on this side of the aisle feel like we should do our job and find out about those conflicts of interest.

In record time, these nominees have moved through this body, coming to votes in committee without our even having all of this information that we wanted to have on their conflicts of interest.

For one nominee, the Commerce Secretary, we were negotiating even the day of the vote to clarify whether he was going to recuse himself if any of his transport vessels ever entered U.S. waters and would have a conflict on the spill liability issue.

So there is the notion that somehow we have been dragging our feet on a Cabinet, when a billionaire Cabinet has been nominated by this President, who seems to want to tweet against commerce. The conflicts are here, and we want them cleared up.

As to Mr. Price, there are issues here that even the committee was not given the chance for a second hearing to get information about his conflicts of interest. So the President who thinks for a party that railroaded Zoe Baird because of a housekeeping issue, and yet there are nominees that we have moved forward on who have the
same issue—now to say to us that we don’t have the right to find out what these conflicts of interest are, I would say that you are wrong.

On this issue for Mr. PRICE, my issue is the issue of our health care delivery system, which was very hard to pin down him down on as it relates to the Affordable Care Act. My view is that this vote is the first vote in the repeal of the Affordable Care Act. Why? Because Mr. PRICE held nothing but his own views out but this before coming to our committee.

When we asked repeatedly what would he endorse as it related to the reforms in the Affordable Care Act that are saving Americans money, that are clearly working for Americans, he failed to make a commitment. So my newspaper in Washington State, the Seattle Times, has said: “President-elect Donald Trump and his nominee for U.S. Secretary of Health and Human Services have doubled down on Rep. Price’s effort to scuttle the Affordable Care Act (ACA).”

So that is not what I want. That is not what I am going to vote for in the nomination of Mr. PRICE. If Mr. PRICE had given us a little bit of an inkling of his thoughts across the aisle, what is working in the Affordable Care Act, what is working in Medicaid expansion, what is working to help save Americans dollars on their health care, it would be a different discussion here. But now I would have an idea of what is working in the Affordable Care Act, what is working in Medicaid expansion, what is working to help save Americans dollars on their health care, it would be a different discussion here. But now I would have an idea of what is working in the Affordable Care Act, what is working in Medicaid expansion, what is working to help save Americans dollars on their health care, it would be a different discussion here.

The fact that New York has used the Basic Health Plan, as well as Minnesota, has shown us that these kinds of expansions of Medicaid—and programs like the Basic Health Plan that exist just above the Medicaid eligibility rate—work successfully for us and are the types of things we wish Mr. Price would endorse. But, again, he failed to endorse these kinds of things.

What he has said, instead, is that he wants to cap these programs, which is not an improvement to the system but almost a truncating of the cost. In my mind, he is like a surgeon going into surgery but instead of taking a scalpel, he is taking an ax.

Given what the people of Washington State have done successfully in driving down health care costs and improving outcomes, I am not willing to take a risk and say that these programs are working successfully.

home care to community-based care with the help of this program. So it is a winning strategy.

Yet we could not get a commitment or an awareness by Mr. PRICE about this program, which it does, why it is so successful, or the devastating impact that people get care in their homes would be appropriate for so many Americans over the very expensive nursing home care that so many States are burdened with and so much of our Federal dollars are going to be burdened with in the future.

We also tried to discuss with him another incredible idea from the Affordable Care Act; that is, the Basic Health Plan: the idea that customers should be able to buy in bulk. I call it the Costco plan, because everybody knows that when you buy in bulk, you are going to get a discount.

But beyond the Medicaid eligibility level for so many American families, have not been able to do is to buy in bulk. So part of the Affordable Care Act said that you could buy in bulk as a State and give a benefit.

What is the outcome of that? Well, the State of New York is using the Basic Health Plan and has signed up more than a half million people under that plan.

Right now, a family of four in New York making about $37,000 a year, if they were buying just on the exchange, might have to pay $1,500 in annual premiums, with tax credits. Because of the Basic Health Plan, they are paying about $250 per year in premiums. That is savings of over $1,000 per year for those families. This is an important program. Why? Because those in the delivery system have certainty that they are going to see those patients, just as Costco, when they buy in bulk for so many Americans across the country, knows that Americans are going to shop there and take advantage of the discount that they were able to negotiate, and it works for everyone. The producers know they will have volume, the customer knows they will get the best price, and more people are covered.

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Given what the people of Washington State have done successfully in driving down health care costs and improving outcomes, I am not willing to take a risk and say that these programs are working successfully.
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 Mr. President, 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 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 seat left by the death of Associate 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 a 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 Supreme 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 contentious 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. But sour grapes is 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 in control of the Senate in 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; it was the 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.

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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 his writings. 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 what every judge says 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 refered 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 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.” When asked, 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, 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 to give 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 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. Instead, he is 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 speaking time.

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 sent to sit 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 members of the press, the public, and I have to thank the Senate Finance Committee for publicly reiterating this position. It is a topic we are now discussing. I will set aside the fact that the partisan 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 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 suspect. Let’s just get that out of the way right now. Private placements are a commonplace and appropriate means for companies to raise capital. 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.

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. SENATORS 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 been 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 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 he is not going to roll over and let 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.

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 serious to those who have more 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, that 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 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 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 over-arching 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. By posing 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 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, taxpayers, and I want 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 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 drastically 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 will not let their employees to provide them with coverage. We can strengthen our health care system without cutting the quality of care by investing in commonsense 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 pay off their medical 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 were Secretary of Health and Human Services, he 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—women, including millions of children living in poverty and millions of seniors living in nursing home care.

I am especially troubled by the threat 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 decisions. 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 the fetus as a person 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.

If these policies advocated by Representative PRICE would have profoundly negative impacts on 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.

I reiterate: 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 dying from drug overdoses than 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 will 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.

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...
Congressman PRICE's ethically questionable and potentially illegal health trades have been ignored.

Hundred of questions HELP Committee Democrats asked Congressman PRICE as part of the official committee process have 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 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 why 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 make decisions 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 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 maintain 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 does not care, 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 new 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 even replace it with. 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 out of luck. Insurers would be able to reject them or charging them more.

I am hearing constantly from the families who are scared about what the future holds for their health care, how to pay for it, and what impact it will have on 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 and guaranteeing that 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 may 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 access care, 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 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, himself purchased stock 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 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 certainly hope 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. He 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 to the United States Senate to stand up for the people of our state. They simply did not send me to the Senate to defend people’s health care. That is why I simply cannot vote for a nominee whose financial activities raise 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 $390,000 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 had impact 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 one of his colleagues in the House, Congressman Chris Collins, who sits on the company’s board and is its largest investor. I sent a letter asking Congressman Price to explain his relationship, his involvement, 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 violations. That is why I have called on the United States 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 and are concerned with 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 and voted to privatize 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 been left out 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, 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 plans 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 24 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 patients in charge of their health care and lead to higher costs and more uncertainty for American families. Congresswoman 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 am here today 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 Delafield, 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 she wouldn’t have the health insurance coverage she needs. She also fears being denied coverage because of her preexisting condition or not being able to stay on her parents’ 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 provision that insurance companies cover young adults 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 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.

The Affordable Care Act allows young adults like Maggie to remain on their parents’ health care plan 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 a better program.”

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 treatment that Maggie needs 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 asked Mr. Price 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 in addition to 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. SASSÉ. 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 respect for the basic rules that have inhered in 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 held that 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, 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 to which I responded 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 and his own branch, and, in 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 the critical 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 that credibility and that, in the plane of the debate, 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 specifically in these 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 independent judiciary of today, of affirming these three branches of government.

Frankly, I think that everybody in this body ought to be celebrating the nomination of a guy who is out there fighting three separate and 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 the judicial branch independent 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 be giving 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 Cops 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 an angry, 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 buy universal consensus that Republicans are Republicans if they have the same label!” and “Democrats are against Republicans”
and vice versa. Our job fundamentally in this body is an oath that we have
taken to three separate but equal branches. I think what we are hearing in these private meetings with Judge Gorsuch and what I am sure he is going to say when he speaks for himself pub-
licly before the Judiciary Committee—what we are hearing from him is a guy who
believes in three separate but equal branches and is skeptical of the consolidation of power because he un-
derstands why America has limited government. It is true that in every level in the Senate, we
should be celebrating having been nominated to the Court.

The PRESIDING OFFICER. The Sen-
ator from Virginia.

Mr. WARNER. Mr. President, I am here to speak about Mr. PRICE, but I want to respond to my friend the Senator from Nebraska.

I appreciate very much the independ-
ence the Senator has shown in his ten-
ure in the Senate. My hope would be that at the end of the day, and others have
said this, that his comments about our three branches of government—I hope we will take that
speech and actually send it down to 1600 Pennsylvania Avenue because I concur with him. I concur with him about civics lessons he laid out. I concur with him about three equal branches of government. I concur with him about the fact that I look for-
ward to hearing from Judge Gorsuch and having my chance to view him.

But I think that in any kind of objective analysis of what our country is going through right now, we have currently a President of the United States who—I have real ques-
tions whether he has read that docu-
ment, the Constitution, whether he un-
derstands the basic tenets of three co-
equal branches.

We saw his activities during a cam-
paign where he called out a judge be-
cause of his ethnic heritage and some-
how how that was somehow judge's indepen-
dence. At some point, he walked that
back, and perhaps those of us who were
kind of scratching our heads thought, well, that is just during the campaign, and candidates do strange things dur-
ing the campaign.

Then we saw the President get elect-
ed, and we saw throughout a transition period decrees by twitter that are, again, unprecedented in modern activ-
ity. I know the President wants to be a disruptor but I think that is some level of com-
ity and some level of civics and some level of recognition of coequal branches that—candidly, when the President of the United States attacks a judge because he doesn’t like the rul-
ing in a way that calls into substance not the substance of the ruling but the very nature of the judiciary, I think all of us—and I know the Senator from Ne-
braska would agree with this—all of us
need to sit up and say this is not what the Founders intended.

I very much want to give Judge Gorsuch and everyone else the Presi-
dent might nominate a fair look, a fair appeal, and then making a judgment on
whether I think one of the most impor-
tant positions—a lifetime position of serving on our Nation’s highest Court—
whether he is appropriate or not. But this President makes that case harder for his nominee when he shows such
blatant disregard of the fundamental basics of our Constitution.

I would be more than happy and glad if we would all dial it back a bit, but we are in uncharted territory in a way that,
as somebody who believes every bit as much in the Constitution as the President, he makes me very concerned about making sure we maintain those basic liberties, making sure we have a government that can live within its means, making sure we maintain the independence of the judi-
cracy, the independence of our legisla-
tive body, and an Executive who knows
there are limits on Presidential pow-
ers.

I appreciate his comments and par-
ticularly appreciate the fact that in his confirmation hearing, he has shown a level of independence. I have taken some hits from my own team for showing similar levels of inde-
pendence. I commend his words, but I do hope that those words would actu-
ally make their way down to 1600 Penn-
sylvania Avenue. I am curious to see what the President’s tweeting response to that speech would be.

Mr. President, I did come here, though, today to rise and talk about a couple issues that need attention at that mat-
ter. Americans have, about a health care system that is affordable and ac-
cessible and provides high-quality health care.

I voted for the Affordable Care Act back in 2010, and I have acknowledged,
I think along with many of us, that just like every major reform—just like Medicare and Social Security and Med-
icaid—Congress never gets it 100 per-
cent right the first time and that Con-
gressmen must work to refine and improve certain aspects of the ACA.

As anybody who serves in the legisla-
tive body knows, you have to have partners in order to get to yes. Unfor-
unately, that is what we have heard from folks on the other side for the last 7 years. We have heard all the cri-
tiques, we have heard the screech of re-
peal, but we have not heard any kind of plan on what you replace.

The fact is, like it or not, ACA has played a role in health care innovation, protecting consumers, and reducing overall health care spend-
ing. Those are just facts—not alter-
native facts, not alt acts; those are just facts. The increased coverage to more people now makes it all the more dif-
ficult to find some way to repeal and maintain all the things that people liked, yet replace it with a plan that is actually more cost-effective.

So today we consider a candidate for Secretary of Health and Human Serv-
ices, that lead Cabinet member who will oversee our critical health care pro-
grams. Congressman Price has advo-
cated for dismantling the ACA, and he
has made it clear that, as Secretary of HHS, he would seek to implement poli-
cies that, I believe, will make health care more expensive and less accessible to Virginians.

Today, after a great deal of reflection, I join my colleagues in opposing Congressman Price’s nomination to be Secretary of HHS. And rather than

One of the things that was a benefit but I don’t think folks have focused on
enough is that the ACA, with all its challenges, did allow people freedom from the trap of being caught in a
dead-end job that they couldn’t move from because of the fear of losing their
health care benefits. This was the first move toward an affordable benefits sys-
tem, something I think we are going to have to move beyond health care to re-
form. And if we are going to have more and more workers work not in
traditional full-time and long-term em-
ployment, but more and more—one-third of the workforce today already is
in some form of contingent work: part-
timers, independent contractors, gig work. They have no benefits, other than
the fact that through the ACA they are able to maintain health care.

The ACA has actually reduced this phe-
nomenon of “job lock.”

As somebody who believes every
bit as much in the Constitution as the President, he makes me very concerned about
making sure we have a government that can live within its means, making sure we
maintain the independence of the judi-
cracy, the independence of our legisla-
tive body, and an Executive who knows
there are limits on Presidential pow-
ers.

The ACA lowered the percentage of uninsured by eight points in rural commu-
nities. Rural communities often struggle with hospitals
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Here is another quick example from
Janet in Mosely, a rural area south of
Richmond, who grows and sells organic
vegetables to support her family, which
includes four children. She said:

We went through various attempts to man-
ge the cost of health insurance and health care in our finances before the ACA—with no
good results. (Because of ACA), we have been able to have an appropriate plan, with a realistic deductible, access to quality doctors, and be able to go to preventative care annual appointments. We are quite fearful about what life and business may be like without the ACA, or an improved-upon version of the ACA. A repeal would be disastrous.

Unfortunately, Congressman PRICE strongly opposed the ACA, but his plan—or what framework of a plan you see—and other proposals dramatically scale back the individual market reforms that allow people like Andrea and Janet to obtain meaningful coverage. As our workforce becomes more mobile than ever, Congressman PRICE has said people should have access to care, but access to care without affordable care isn’t true access.

For example, if you got rid of the ACA with no plan to replace it, we would see the reinstatement of lifetime and annual limits on coverage. They are what turned getting sick into a financial calamity for so many people. Plans would be required to cover far less in terms of conditions, moving away from the ACA’s promise that insurance is worth more than the paper it is on.

As I mentioned already, the close to one-third of the workforce that is already in some level of nontraditional work and doesn’t work full time in a long-term employment facility would lose that flexibility to move from job to job.

We have also heard from Congressman PRICE plans to block-grant, for example, Medicare. We in Virginia have a very strong Medicare program. We have also not expanded Medicare, which I think was a grave mistake of the legislature. The Governor and I agreed we should expand it. Putting a Block Grant Program in place for Virginia would be a disaster in terms of Medicaid. As well, Congressman PRICE has voted against the Children’s Health Insurance Program, the CHIP program, one of the things I was proud to expand in Virginia, where we ended up signing up 98.6% of eligible children. And, Congressman PRICE called the CHIP program “government-run socialized medicine.” What he didn’t say is what he would say to the 200,000-plus kids in Virginia who get their health care coverage through CHIP.

So I believe that Congressman PRICE’s approach—whether it is on Medicaid block-granting, whether it is on the ACA, whether it is on the CHIP program—is他的 future to come up with a sufficient plan to provide access and affordability—means that if we go forward with his nomination, the kind of chaos that would be created if you repeal the ACA without a replacement plan will not only affect the 20 million-plus Americans who got health care coverage through the ACA but literally everyone else because it will absolutely pull the bottom out of the overall insurance market.

These are chances that we can’t take.

I have a series of other stories, but I see my friend the Senator from Connecticut, who spent a great deal of time on this issue back when there weren’t that many people coming to the floor to defend the ACA. I guess it is better to be early and right, but Congressman Murphy has been a great leader. He was here, as I mentioned, on the floor, when many of us were active in other activities, an absolute native of the ACA, when we went through the bad rollout. But what we have seen in America, as we get to the point of trying to construct the new administration, is that the new majority wants to actually repeal this program without fixing it—simply repeal. I think his forewarnings about what would happen are all coming to pass.

I will personally be opposing the nomination of Congressman PRICE to be Secretary of HHS. I hope my colleagues will join me.

I do want to yield the floor to the Senator from Connecticut, who has been such a great leader on this issue.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am going to be here to build on some of the comments Senator WARNER made. It is unclear what President Trump’s position is on repeal and replacement of the Affordable Care Act. He has made all sorts of commitments all over the map, suggesting that he wants to deconstruct the act in full, suggesting that he wants to keep some elements of it, making promises that whatever comes next will be just as good, will be better than what consumers have come to expect.

I think what you are going to hear consistently from our side is a willingness, a desire, an enthusiasm to engage in a conversation with Republicans about how to strengthen our health care system, how to repair the parts of the Affordable Care Act that are broken, but keep the majority of that legislation, which is delivering lifesaving care to people as we speak, and not descend into health care chaos by repealing this legislation with no plan for what comes next.

The genesis of our opposition, of my opposition, to Tom PRICE’s nomination to be the Secretary of the Department of Health and Human Services is that he has been, in the House of Representatives, the face of the Republican effort to repeal the Affordable Care Act with absolutely no plan for what comes next.

There were many other choices that could have been made for selections to head the Department and lead the conversation about the Affordable Care Act and its future that could have signaled that we were going to have an administration that was going to be thinking about this when I was a Member of the House of Representatives. I watched my colleague, Tom PRICE, be the leader, the face of the campaign to repeal the Affordable Care Act, with absolutely no replacement—which would descend our entire health care marketplace into chaos.

That is chiefly why I stand here in opposition to his nomination today. He did offer a token plan to replace it, but it had nothing of value to the people of Connecticut. It would have repealed Medicaid expansion with no plan for what came next. It would have repealed the insurance protections for people who stuck with their $3 billion high-risk pool that would have served the needs of those who have serious illness and disease and who cannot find insurance.

Our worry is that we are on the precipice of repealing an act which has saved thousands of lives, which has insured 20 million people, and the results will be health care chaos for everyone, whether they are on the Affordable Care Act or not.

Tom PRICE has been the face of the repeal effort in the House of Representatives. He has been the face of the irresponsible position of getting rid of this law with nothing that comes next. And it simply doesn’t give us confidence that there is going to be a rational bipartisan conversation about how to improve our health care system.

This isn’t politics. I just want to underscore the point that Senator Warner made. This isn’t simply about numbers. This is about human lives that are affected if Tom PRICE gets what he has been asking for during the last 6 years, which is a full repeal of this. I think his forewarnings about what comes next.

This is a picture of Mark and his family from Westbrook. This is a picture of his daughter Dominique. Dominique has a profound intellectual disability. She also has cerebral palsy. She doesn’t have the use of her left arm. She walks with an unsteady gait. She also cannot chew food, so she takes liquid nutrition. But she has an amazing spirit. She loves school. She loves music. She loves singing to Disney movies. She plays soccer, buddy base- ball, and rides a horse for therapy, but Mark and his wife used to spend $40,000 a year out of their own pocket for her care. The Affordable Care Act saved this family from potential bankruptcy. The Affordable Care Act now, through Medicaid expansion, allows Dominique to get care that is socially insured. And Mark asks:

"After all, who are we as a people and a country if we cannot take care of those who for no fault of their own cannot take care of themselves? Dominique didn’t do anything wrong. She was born this way and deserves to have a fulfilling life. That is the whole concept of insurance: The idea that we should socialize the cost of caring for kids and adults who, through no fault of their own, get sick. But without the Affordable Care Act, this family would have been on their own in caring for Dominique by themselves. And there is no replacement. There is no plan on the table today—certainly not Tom PRICE’s reputed replacement plan in the House of Representatives—that offers any help to this family if the Affordable Care Act goes away.

Let me introduce you to one more family. This is a picture of Angela, She
is hiding here—Angela from New Canaan. Angela is 49 years old. She was diagnosed with stage IV breast cancer in 2015. The good news is that Angela is winning the fight against breast cancer, but she would face the inability to get health insurance if not for the Affordable Care Act because if this family ever lost continuous care, they would be uninsured. So the protections built into the law allow them to pay reasonable prices. She says:

Wounding or any member of Congress who voted to repeal the ACA be willing to write to my 12 and 9 year old boys, and explain to them why they let their Mommy die. I don’t think she is right on that. I think that everybody in this Chamber cares about this family, but it is a reminder that there are really personal consequences for millions of Americans if Tom Price, as the leader of the Department of Health and Human Services, leads a campaign to repeal the Affordable Care Act without any replacement.

We talked about the damage that will be done to these families, but for the entire marketplace, there is nothing but chaos if Tom Price gets his way. I opposed his nomination right from the start because I knew who he was in the House of Representatives. I knew that he had led this campaign of health care destruction for families like those that I just described.

Frankly, his hearing just compounded my worries. These ethical lapses that have been raised over and over again just draw even more question as to whether he is going to use this position as the head of the Department of Health and Human Services to protect and advance the health care of my constituents or he is going to use that position to enrich himself and his family.

Those are serious accusations. I get it, but these were serious ethical lapses that were uncovered, not by us but by an independent ethicist. He is part of these hearings. I would hope this body would consider rejecting Tom Price’s nomination so we can find someone to lead that agency and lead our conversation on the floor of the Senate about the future of health care, so that instead of continuing what has been a bitterly divisive issue over the last 6 years, we can finally find a way to come together and answer Angela’s concerns that Donald Trump and the Republican Party support him don’t care about her and her family, are willing to let her die.

I don’t think that is true, but by putting someone in this position as the head of the Department who has campaigned against this act, and is away from Angela the protections that allow her to succeed and to live and to continue to beat cancer, without any idea for what comes next, it suggests that the division will continue and catastrophe will be in line for families like hers.

I will oppose this nomination. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, as I said before, we should not be holding up any of these confirmations. There is far too much work to be done, but I think that is especially true for the man whose nomination is before us today, the next Secretary of Health and Human Services, Dr. Tom Price, who I am happy to say has my full support.

It is especially important that we confirm Dr. Price because, as we all know, our health care has undergone some serious turmoil as of late. This was undoubtedly caused, at least in part, by the rolling calamity of ObamaCare. You can step back and you survey the wreckage, and it is sobering to see what that law has left in its wake: double-digit premium hikes, they have bankruptcies, and millions of canceled plans.

For all the fanfare over the law’s passage, and all the arguments that followed, it seems we have forgotten the people who are suffering. The patient. That is what the next HHS Secretary is facing, a Herculean or perhaps you might say a Humpty-Dumpty-like task of picking up the pieces and rebuilding our health care system from the ground up.

So we consider this nomination, I think it is appropriate to ask ourselves: If we need someone who will focus on the needs of patients, why not pick a doctor? Dr. Price was an orthopedic surgeon, as was I, for nearly 20 years. He taught and trained young doctors personally. So when he hears the phrase “quality, affordable, personalized care,” it is not an abstract notion to him. It is not some philosophy that he has dreamed up in the Halls of Congress because he himself has provided just that kind of care to real people.

When we repeal and replace ObamaCare, we have to ask ourselves the kind of thinking that gave rise to it. We need someone with on-the-ground understanding of what it takes to care for patients, someone who knows it is like to stand at a bedside with a patient comforting her in a confusing and frightening moment.

Dr. Tom Price is that man. Tom Price is also my friend. We served together in the House of Representatives. He is a good man. That is why, during his time in public service, he has earned the respect of his colleagues as he has worked his way up the ranks: chairman of the Republican study committee, chairman of the House Republican policy committee, and, most recently, chairman of the House Budget Committee.

He has studied our health care system from top to bottom, and he is no stranger to the health care battles the last 6 years. You could say his chief qualification for the job of replacing ObamaCare is he had the good sense to oppose it in the first place, but Tom Price did not just vote no.

Contrary to what you have heard from the Democrats, he also offered his own alternative, the Empowering Patients First Act. You may or may not like that bill, but I think you have to admire that he was willing to make a serious proposal. That is the kind of leadership we need at the Department of Health and Human Services.

I want to express my support for Tom Price’s nomination to be the next Secretary of Health and Human Services. I urge all Senators to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise to speak about the nomination of Congressman Price as HHS Secretary. I will oppose his nomination, principally because he has been an opponent of virtually every program that provides health care to people with modest means in this country: Medicare, Medicaid, the S-CHIP program—which he called socialism—Planned Parenthood, which is the primary health care provider for choice for millions of women, and the Affordable Care Act.

There is much to talk about, but I am going to focus my comments today on his repeated promises to repeal the Affordable Care Act. Repeal of the Affordable Care Act would be unwise. It would be heartless, and it would be economically foolish. The Virginia stats are instructive. In Virginia, 179,000 Virginians have been able to enroll in Medicaid since the ACA was passed. Moreover—in an admission and nearly 380,000 Virginians have been able to get coverage through the marketplace.

We have not done the Medicaid expansion program. If we did, another 300,000 could receive coverage with modest means in this country: Medicare, Medicaid, the S-CHIP program—which he called socialism—Planned Parenthood, which is the primary health care provider for choice for millions of women, and the Affordable Care Act.

Before the ACA, only those with employer coverage got tax benefits to help pay for health insurance. Now, 320,000 moderate- and low-income Virginians get tax credits averaging $275 a month to help. In addition, there are nearly 5 million Virginians with employer-sponsored insurance, and over 800,000 Virginians would lose access to free care that was expanded—an admission in the past, as my own family has been.

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We had a hearing last week in the Senate HELP Committee about the Affordable Care Act. It was called, by the majority, “ObamaCare Emergency.” I asked the witnesses: Democratic, Republican, and just the political identification—I asked them: Would a repeal of the Affordable Care Act with no replacement be an emergency? All of the
witnesses agreed that it would. One of the witnesses said it is more than an emergency, it would be a catastrophe.

So I then asked those witnesses—again, bipartisan witnesses: OK, we shouldn’t repeal it. That means we should fix it or repair it or reform it. Will bipartisan improvements happen so that we do it openly, publicly, carefully, and deliberately?

They all said: Of course, we should not rush. We should get this right. That is the challenge. Our colleagues on your side have asked Republicans to sit down with us and let’s make improvements, but don’t push people off of health insurance.

It would also lead to a significant economic catastrophe for hospitals, for providers, to have a repeal and not know what comes next. Remember that health care is one-sixth of the American economy. If you inject uncertainty into that, you have consequences that we could not now predict to be negative.

The real story is not any of these statistics, and I will pick up on what my friend, the Senator from Arkansas, said. The real story is about individuals, patients, and what happens. Three weeks ago, I put on my web site a little section, kaine.senate.gov/acstacy. I asked people to submit what it would mean to have a repeal of the Affordable Care Act.

To date, I have had 1,654 submissions of how it would mean to them. We have been able to follow up on some of them and get permission from some so I could read their stories on the floor. So during the remainder of my speech, I am just going to tell you what a repeal of the ACA would mean to people all over my Commonwealth.

Michael Dunkley lives in Alexandria, VA.

I was diagnosed with advanced Stage 4 non-Hodgkin’s lymphoma cancer in October 2013. Starting at that time, I was on an extremely powerful 5-component chemotherapy treatment program that would conclude in late January, 2014. My medical insurance coverage at the time of my diagnosis was under the terms of COBRA, and my monthly premium was $375, with a $5,000 deductible and a $15,000 out-of-pocket limit. My COBRA coverage expired at midnight on December 31, 2013, and was immediately [able] to be replaced [because of a plan that] I had been issued through the provisions of the Affordable Care Act. Because under the new law, I could not be denied coverage due to a pre-existing condition (advanced cancer), and I was issued a new plan that was far superior in coverage and cost me only $575 a month.

I have been able to successfully complete all eight cycles of my chemotherapy, and I was issued a new plan that was far superior in coverage and cost me only $575 a month. As I type this, I am currently sitting in the office of the Community Health Center of the New River Valley. I am 25 years old and a college senior. The last time I saw my pediatrician, I was care of my kidneys.

Like many struggling Americans, I cannot afford insurance and rely on low-income/free clinics to receive preventive care. The ACA helped programs like the one at the Community Health Center (clinic) with funding. We cannot afford to lose clinics like this one with cuts to funding public health.

Americans should not be denied health care.

We should not have to file for bankruptcy for becoming sick or doctors all together because it costs too much. The Affordable Care Act should be revised, not repealed. If Congress repeals the ACA, 20 million Americans will lose their insurance. That’s 20 million Americans that may stop going to doctors because they can’t afford it. I plead to Congress to care for your fellow Americans and give us health coverage that is affordable or, better yet free. Seeing the doctor should not revolve around a choice between going hungry or not.

Gabriella Falco, Alexandria, VA:

Senator Kaine, my name is Gabriella. I’m a 26-year-old full-time student studying what she loves. I work part-time in my field of study and make some money to live on, but my school expenses are all covered by student loans. When I was 22, fresh out of college and unemployed, I was diagnosed with hyperparathyroidism and many severe kidney failures. To prevent kidney failure or worse, I required multiple surgeries, all of which were covered by my parents’ insurance through the Affordable Care Act. Ever since, I have had to go for check-ups and ultrasounds, as well as some scares with my kidneys. There is no explanation for my medical history. All the doctors can do is monitor and test for anything. When I turned 26, I chose my own healthcare plan through the ACA. As I am a student, I have no way of working full time for benefits. The ACA has allowed me to live safely and affordably and treat my kidneys while finishing my master’s degree. Without the ACA, I would not have had insurance, and without my heart health would become a choice between death or bankruptcy. I don’t know what I’ll do if I lose my healthcare. I could not afford it without the ACA. If Senator Kaine, please fight for me and my health in Washington.

Corwin Hammond, Williamsburg, VA:

Senator Kaine, Before the ACA, my wife and I did not have no medical insurance. My wife is a business owner and I’m a pastor of a small church in Toano, Virginia. I left my job, . . . state job that provided full benefits. My Ministry needs in my community were so great. I am grateful for this legislation that has allowed us to have peace of mind in knowing that we are covered and able to visit the doctor without going bankrupt. Why not just fix the components that need repairing; instead of throwing millions of hard-working Americans to the wolves. We deserve better. How about the congress and senate repealing their health care and leaving ours alone? Thank You, Corwin Hammond.

Sarah Mullins-Spears, Prospect, VA:

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weeks after he should have started his first day of middle school. . . . By then the bills had also begun to arrive . . . Daily. The first bill from the hospital was $185,547.12 before insurance, $20,000 with benefits. We are still receiving bills and our pre insurance totals are well over $750,000 before insurance. . . . We do know that ACA we were capped at $7,500 out of pocket. This means $231 a month for 24 months which has an impact on our family but it also means we can still afford our monthly premiums and every morning thankful for my healthy child and amazed that we live on this tiny piece of heaven. ACA made that possible for us, I have kept all bills, notes, and documents related to our journey.

Sasha Baskin, Richmond:

When I was seventeen I discovered I had a rare and highly aggressive tumor in my jaw. It took three surgeries to eliminate the tumor completely. My bone was replaced with a metal implant and bone graft. I was fortunate enough to be insured on my parents' insurance when this medical event first took place. With the Affordable Care Act I have been able to stay on my parents' insurance into college and maintain my health status through regular doctors' visits. I require a yearly check-up to make sure that the medical implant is intact and that the bone graft is growing successfully. Within the next 5–10 years I will need another surgery to replace the metal implant with new technology. If the implant breaks or I have any kind of accident that injures my jaw I will require emergency surgery and most likely to have my jaw wired shut. I will turn 26 in October and no longer be eligible to be on my parents' insurance.

Thanks to the affordable care act I can rely on being able to maintain affordable insurance and be assured about my health. I can trust that I will not be turned away due to my pre-existing condition of a metal jaw and history of aggressive tumors. I can be sure that I will not get reach a lifetime limit of coverage when I need another surgery, (or if the worst happens and I need to have emergency surgery) to be fitted with a new jaw.

Executive Calendar—Continued

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. LEAHY. Mr. President, I have a simple unanimous consent request, but before I do, I congratulate the new Senator from Alabama. It is unusual that I have someone here taller than I am. Mr. President, I ask unanimous consent that I be permitted to yield the remainder of my time on the issue before us to the senior Senator from New York.

The PRESIDING OFFICER (Mr. PERDUE). The Senator has that right.

The Senator from Virginia.

Mr. Kaine. Mr. President, I would like to resume my remarks following the speeches this morning.

I also offer my congratulations to my new colleague.

Ann Odenhal, Richmond, VA:

On New Year’s Eve, 2013, we were informed that our youngest son, Patrick, 18 years old, had Type 1 Diabetes (T1D), an incurable disease that comes with a lifetime of insulin dependence, injecting oneself six to eight times a day. The cause is unknown, it is a lifelong disease and there is no escaping it once diagnosed. The beta cells on our son’s pancreas just stopped working. T1D is extremely dangerous and can cause massive tissue death; blindness, kidney failure, limb loss, other issues and death. We were knocked off our feet, numb, confused and overwhelmed by the danger and the medical requirements to stay within an acceptable insulin range. People with diabetes are vulnerable to diabetes dose with eating and other activities throughout the day and night. They must always be aware of food and insulin intake by pricking their fingers for blood six or more times a day. Our son still can have dangerous high or low blood-glucose levels, both of which can be lethal. He will die without insulin; he could die from too much insulin. In the midst of our fog of sadness and confusion, we remembered the ACA. “At Senator Sessions’ request, ACA will be kicked on his own. He will be able to get health insurance regardless of his prior condition,” was our mantra. One day, Patrick came home and announced, “Great news! The ACA allows me to stay on your health insurance until I’m 26!”. I changed my retirement schedule. I can do that. I have watched and worried as insulin prices soar. Pat takes two types of insulin, a single carton of which costs between $400 and $500 retail. I run the math in my head and I worry some more about lack of insurance. We are covered by my employer’s insurance, which pays for most of the drugs, equipment and the additional health care he needs, but what would happen if we found ourselves without insurance? What if I lose my job? Public service runs deep in our family. My husband is a retired teacher and our older son is a policeman. It appears Pat may be moving toward nonprofit or public service work as well. Will he be able to get health insurance? Will he have it without the ACA? I can promise anyone reading this that you know some-one whose life has been or will be positively impacted by the ACA. There are 20 million people like our son, Patrick. Don’t allow a repeal of the ACA. Fix the problems, work the issues, but don’t play politics with our son’s life.

Linda Crist, Lynchburg, VA:

I had employer provided health care for 38 years. The company did not cover medical problems related to diabetes, which included severe complications caused by diabetes. I was diagnosed with kidney disease. I was treated and, according to my physician, cured. The insurance company didn't care. I applied for insurance under ACA and got a silver plan that cost me $345 a month. I was given a tax credit of $500 monthly and I chose to only use a portion of it. The ACA saved me while I was waiting for Medicare to kick in after receiving Disability. I am sure my premium would have gone up with the ACA but it saved me when I needed it most.

John Carl Setzer, Winchester, VA:

My wife, Linda, was diagnosed with a congenital heart defect, called Hypoplastic Left Heart Syndrome (HLHS). Basically, he was born with half a heart and required three open-heart surgeries. All of his treatment is considered palliative. In 2009, he had the first two heart surgeries, in addition to another on his diaphragm. He was hospitalized for months. He had been in a hospital due to employer-based coverage. Clearly he had a pre-