it continues the practice of an administr-
istration expanding their role in the 
lives of Americans and its businesses.

We need an appropriations process
different from just a continuing resolu-
tion. We need to have the opportunity for agency heads to know that the ap-
propriations process is going to matter to them. It causes them to have con-
versations and discussions with us, gives us the ability to tell an executive branch official: ‘This doesn’t work in my State. This is very damaging. This rule or regulation you are proposing is harmful. Can you go back and do it in a different way? Do you understand what this means in this circumstance?’

Again, our leverage to have those conversations is often whether or not we are going to appropriate money and what that level of spending will be for that agency.

The other aspect of this is that in the absence of that dialogue and change of heart by that agency head, we then have the ability to say as a Congress that no money can be spent to imple-
ment this idea, this regulation, this rule.

While we focused attention—right-
fully so—the Congressional Review Act and its ability to limit and fund this case repeal and reject regulations, the long-term ability to rein in any admin-
istration that exceeds its authority and operates in a way that develops regulations that lack common sense or an approach that they mis-
press every day Americans is through the appropriations process, and a con-
tinuing resolution will once again take away the constitutionally mandated, the constitutional responsibility we have in doing our jobs to protect the freedoms and liberties of the American people.

We have had a lot of conversations about what we are going to try to ac-
complish. One of the things that I want to make sure is on the agenda is what the time comes, which is now, the con-
versation is—I hope the conversation is not ‘Well, we have run out of time. We are just going to do another continuing resolution and fund the Federal Gov-
ernment for the next few months at the same level as we did last year.’ We need to exert our authorities to make sure the American people are out of harm’s way from what government can do. The Constitution was created to protect Americans from an ever-expans-
ive government, and it only works when Congress works.

The time is short. We hear that the administration is going to offer supplemental or amended requests for additional spending, especially in the defense arena. We need to get our ap-
propriations work completed so that they have an opportunity to supple-
ment, to make suggestions to Congress about what that appropriations bill should finally look like. We are close to failing in our responsibility to do that. Congress needs to do its work.

All 100 Members of the U.S. Senate can have their opportunity to have input in how money is spent. We can defend and protect the taxpayer; we can defend and protect the consumer; we can defend and protect the job cre-
ator; we can defend and protect the em-
ployee—but not if we don’t do our work, not if we don’t do appropriations bills and we rely once again on this technique of shrugging our shoulders, throwing our hands in the air, and say-
ing that the best we can do is tell an agency that their spending authorities will be the same next year as they were last year. We need to do our work. We need atten-
tion. The appropriations process should begin. And I ask my colleagues to give serious thought to helping ac-
complish that. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. COTTON).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The major-
ity whip.

Mr. CORNYN. Mr. President, earlier today the Senate moved forward with the President’s nominee to head up the Office of Management and Budget, Congres-
sman MULVANEY. Congressman MULVANEY spent years representing the people of South Carolina and has been thoroughly engaged on budget issues during his time in the House of Rep-
resentatives.

He has highlighted the fact that the Federal Government is on an unsustainable fiscal path if nothing changes in Washington, DC, and that it is reckless to keep running up the Na-
ton’s credit card with trillions in more debt and unfunded liabilities, not to mention the immorality of passing down to the next generation the obliga-
tion of actually paying that money back.

So Congressman MULVANEY is actu-
ally, I think, a very good choice for this critical role, and I look forward to voting on his confirmation soon.

TRADE

Mr. President, I want to weigh in briefly on the issue of trade. During the Presidential campaign and since then, there has been a lot of talk about international trade. It has led to a healthy debate about lopsided trade deals—whether bilateral trade deals or multinational trade deals actually are better—and how best to leverage trade to help American workers and con-
sumers.

In my State of Texas, there is no question trade delivers in two ways. One, it helps Texas families stretch their paychecks by providing greater access to more affordable goods. That is a good thing. And two, it helps our farmers, our ranchers, our small busi-
nesses, and other manufacturers access more customers around the world.

Texas continues to lead the Nation as the top exporting State, and it has done so for about a decade now. It is no 

one reason our economy has done bet-
ter than the national economy in re-
cent years. And it is estimated that Texas trade supports more than 1 mil-
ion jobs currently.

It is important to understand that our economic partnership with Mexico has been a key part of that suc-
cess, and that is thanks, in part, to the North American Free Trade Agree-
ment, or NAFTA, the trade deal be-
tween the United States, Mexico, and Canada.

Our southern neighbor is our largest export market, with more than one-
third of all Texas goods—including ag products and manufactured goods, to the tune of close to $92 billion a year—passing through the Port of Laredo alone. The ability of NAFTA and trade, well, this may not be universally true around the country, but suffice it to say that in Texas, NAFTA has been a big success for our economy. And because Texas has been leading the Nation of course of economic growth and job creation, I think it is fair to say that it has helped the Nation as a whole not recede into a re-
cession with the anemic growth rates that we have seen since 2008. It is not just that we have benefitted from the deal. The agriculture industry ac-
sross the country benefits greatly. Mexico is one of the biggest buyers of crops grown in the United States, like corn. In fact, Mexico is the third big-
gest export market for American agri-
culture.

NAFTA is not just critical to my State, but for those far away from the southern border, as well, like Ohio and Michigan, which export a majority of their goods to NAFTA partners. I think it is important to acknowledge the fact that roughly 6 million jobs in the United States depend on bilateral trade with Mexico.

But here is the truth: The world looks a lot different today than it did 20 years ago when NAFTA was negoti-
tiated, and there is ample opportunity to work with our partners to craft a better deal for the United States. We can update it to be even more construc-
tive and an even bigger driver of the U.S. economy.

Trade is essential to our economy, and I believe the administration agrees with me on that. In my conversations with Mr. Ross, who will head up the Depar-
tment of Commerce, and others in the trade negotiation and the like—they all tell me that this administration is pro-trade, although they are skeptical of large multinational trade deals like the Trans-Pacific Partnership.

We have also rededicated the President himself talk about the impor-
tance of our relationships with countries like Canada and Japan. Dur-

ing the visits of the Prime Ministers of

February 15, 2017

CONGRESSIONAL RECORD — SENATE

S1175
each of those countries in the last week, with both heads of State, the administration continues to stress the importance of robust trading partnerships. And the President has made it clear that he supports those.

I believe that good trade deals help everyone from manufacturers to farmers, to small businesses, all of whom find more markets for the goods they make or grow. That, in turn, creates more jobs and provides greater access to more goods for consumers. And it is a good example for the broader U.S. economy as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President. I rise in support of the nomination of Congressman MICK MULVANEY to be the Director of the Office of Management and Budget. Based on his appearance before the Senate Budget and Homeland Security Governmental Affairs Committee, he appears to be a smart and articulate individual, and after examining his record and his testimony, I believe he lacks the fundamental judgment to serve in this important role.

Mr. MULVANEY’s tenure as a Member of Congress has been marked by symbiotic amendments and bills that have been most successful in generating bipartisan opposition rather than support. Until now, it has mattered little whether his proposals have been motivated by firmly held principles or other motives. We have just been fortunate that few of Mr. MULVANEY’s ideas have been made into law. However, with an appointment to a position of real authority at OMB, Mr. MULVANEY will have great power to put his ideas into practice. For that reason, it is worth reflecting on the positions he has taken.

At times of national fiscal and economic turmoil, Congressman MULVANEY could consistently be found among those stoking the flames of partisan or ideological point. Indeed, he was among those Republican Members of Congress who cheered efforts to force the country to default on our financial obligations in 2011, dismissing the dual alarm that our interventionist public brimskanship as “fear mongering” and as promoting a “fabricated crisis.” In 2013, he voted to support the Republican shutdown of the Federal Government, which ultimately cost American taxpayers $2 billion in back wages for Federal workers who were locked out of their jobs. In addition to this and other fiscal waste, the 16-day shutdown has cost taxpayers according to Moody’s estimated that it “cut real GDP by $20 billion, shaving half a percentage point off growth in the fourth quarter [of 2013].”

In 2015, Mr. MULVANEY was part of another Republican shutdown effort. This time it was to shutter the Department of Homeland Security to protest President Obama’s immigration policy. Thankfully, House Republicans relented before the shutdown took effect. Otherwise, the closure would have caused about 30,000 furloughs and about 200,000 other people, including Coast Guard personnel, TSA, ICE, Border Patrol and Customs officers, to report to work, most of them without the promise of a paycheck.

When Americans have suffered natural disasters, Mr. MULVANEY has shown himself among those who are the least sympathetic about providing Federal assistance, insisting, for example, that the $6.8 billion aid for the victims of Hurricane Sandy should be offset. He has at least been consistent in this regard, since he voted against similar aid to his home State of South Carolina. Of course, his opposition in that instance may have been motivated by a full foregone conclusion that the bill would pass. But this should give every American pause. Mr. MULVANEY’s record of supporting brinksmanship and his responses to written questions show that his first instinct will be to use any one-time emergency as an opportunity to force lasting budgetary cuts.

I am also concerned about Mr. MULVANEY’s intentions with regard to the elimination of the sequester-level budget. Mr. MULVANEY’s cuts on the horizon, Mr. MULVANEY ruled out revenue increases or scaling back the sequester. He said: “We want to keep the sequester in place and take the cuts we can get.”

As the nominee to OMB director, Mr. MULVANEY now believes, like President Trump, that the sequester caps should be lifted for defense, but he has made no allowance for nondefense discretionary programs and agencies, including the Department of Homeland Security. Mr. MULVANEY has thus far failed to grasp that there is simply no way to secure support for sequester relief without addressing both the defense and nondefense sides of the ledger. Moreover, he has not recognized that it is repugnant to many to suggest that one side of the budget can be cannibalized to fund the other side. The best way to fund sequester relief is through the proven combination of additional revenue and reasonable cuts. It has been suggested that we should look to that solution again.

We should also reject efforts to use Overseas Contingency Operations accounts, or OCO funding, to fill the gap when it comes to defense spending. It is not a legitimate tool to fix the sequester. Despite my many disagreements with Mr. MULVANEY, this is one point where we do appear to see roughly eye to eye in terms of using the OCO for the overseas contingencies they were designed to fund.

Where we disagree most vehemently is on the matter of core programs that help Americans lift themselves up so they can participate in and society. Although he has recently changed his position, Mr. MULVANEY, as a State legislator, voted for legislation that questioned the constitutionality of Medicaid and Social Security, and today he still questions the constitutionality of Federal involvement in education. This is more than a philosophical stand. His position will color how the administration invests in schools and students over the next 4 years. I am especially dismayed that Mr. MULVANEY is not even willing to commit to protecting funding for the Pell Grant Program and to reducing college debt, a burden faced by students and their families all across this country.

I have been disturbed by Mr. MULVANEY’s cavalier position about benefit cuts to Social Security and Medicare, by such measures as increasing the retirement age. Let’s be clear. When you force a person to wait 2 or 3 more years to begin collecting the benefits they have earned, it is a cut. If poor health or lack of job prospects forces a person to begin collecting benefits before reaching the normal retirement age, he or she will see a significant reduction in monthly benefits.

These cuts fall heaviest on the most vulnerable—low-income workers and workers in the most physically demanding jobs, those who simply cannot continue to work for another few years. Mr. MULVANEY’s cuts would cut these programs without the deep cuts to benefits that Mr. MULVANEY would promote.

In this one area, I would hope the President could prevail over his staff. Many times during the campaign, President Trump promised to protect Social Security and Medicare. In fact, last March he said: “It’s my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as it is.”

It remains to be seen how sincere the President is on this issue. Last month, he was effectively rebuffed by 49 Republicans who voted successfully to kill Senator Sanders’ amendment to create a point of order that would prevent the Senate from blocking President Trump’s promise that “there will be no cuts to Social Security, Medicare, and Medicaid.”

Unfortunately, the President said nothing about this vote, which should lead Americans to ask how committed he is to his promise. His choice of Mr. MULVANEY also leaves me concerned that he is not sincere about this
promise, since Mr. MULVANEY seems clearly intent on making cuts to these vital programs.

Mr. MULVANEY has also proven himself unsympathetic to the challenges facing working men and women in this country. He has sponsored legislation to bar the Federal Government from requiring project labor agreements. He has voted to repeal Davis-Bacon prevailing wage requirements, and he has cosponsored legislation to undermine the ability of workers to collectively bargain.

Moreover, Mr. MULVANEY failed to pay more than $15,000 in unemploy-and FICA taxes for a household employee between 2000 and 2004, only making good on that obligation during his nomination process. Even if this could be characterized as an oversight, it is worth noting that Mr. MULVANEY has previously proposed legislation to bar tax delinquents from serving in elected office in South Carolina and to authorize IRS examiners to take punitive action against workers who have failed to pay taxes.

One wonders how Mr. MULVANEY would feel about the fitness of a Democratic nominee with a similar character. Mr. MULVANEY has an affinity for draconian budget cuts and far-right positions that are completely out of step with American values. I hope Mr. MULVANEY will retreat from his toxic brand of politics.

Finally, let me say a few words about Mr. MULVANEY’s laissez-faire approach to regulation, particular the oversight of Wall Street. I believe strongly that the lack of effective regulation, the lack of oversight, and the lack of appropriate funding for the financial regulatory agencies contributed heavily to the great recession, which is why I worked so hard to support the adoption of the Dodd-Frank Wall Street Reform and Consumer Protection Act, including the creation of the Consumer Financial Protection Bureau (CFPB).

Mr. MULVANEY, not surprisingly, takes a different view. As a member of the Financial Services Committee in the House, he said: “I don’t like that the Consumer Financial Protection Bureau exists.” The CFPB is a consumer-focused agency that has brought nearly $12 billion in refunds and restitution to consumers for Wall Street’s abuses. This includes more than $120 million that have been returned to our military families through the efforts of the Bureau’s Office of Servicemember Affairs, which I worked with Senator Scott Brown of Massachusetts to establish.

Because of the Dodd-Frank Wall Street Reform and Consumer Protection Act, working Americans have an advocate in the consumer finance marketplace that is laser-focused on protecting them. Mr. MULVANEY would prefer to transform this agency into a paper tiger that is subject to partisan political pressure and influence from the various industries it is attempting to police. We should not allow him the chance to do that from a perch at OMB.

The country has been fortunate that House Republican leadership, with good reason, in my view, did not re-elect Mr. MULVANEY with a position of authority from which he could exercise real control. Unfortunately, the promotion that President Trump has offered would give him great power—power that will ultimately, I believe, be destructive in his hands. As a result, I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Rhode Island who has been such a champion for working people and economic progress in manufacturing and economic fairness so that our country as a whole can advance together.

I am proud to be a Senator who fights to preserve, protect, and strengthen the safety net for all Americans, as my colleague from Rhode Island does, and many of us here do. So I come to speak on Congressman MICK MULVANEY, with reluctance and sadness, because he is out of the mainstream and, really, an adversary of programs that assure that safety net and basic fairness that is at the core of our great democracy and our economy.

I oppose his nomination to serve as Director of the Office of Management and Budget, hardly the best known or the most glamorous, but one of the few areas where we agree, because he pledged during the campaign to keep our Nation’s safety net firmly, irrevocably intact—not to make any cuts to Social Security or Medicare. He pledged and promised.

Now, who is he? He is the man from Connecticut that President Trump himself seemed to recognize when he said, “He’s one of the great people that I have.” So we agree, because he pledged during the campaign to keep our Nation’s safety net firmly, irrevocably intact—not to make any cuts to Social Security or Medicare. He pledged and promised.

Mr. MULVANEY has also proven himself the worst possible choice to keep our Nation’s budget firmly, irrevocably intact—not to make any cuts to Social Security or Medicare. Now, who is this man from Connecticut? He is the man with this promise and pledge.

Mr. MULVANEY has an affinity for draconian budget cuts and far-right positions that are completely out of step with American values. He pledged and promised.

Mr. MULVANEY has also proven himself the worst possible choice to lead a economic recovery. Even as Wall Street has risen, Americans see their jobs are still out of reach for far too many.

Retirement for increasing numbers of baby boomers makes it all the more vital that we protect and strengthen the safety net for all Americans. As my colleague from Rhode Island has so eloquently pointed out, the safety net is not the sole answer to larger challenges that must be solved by robust economic growth. That has to be our priority—economic growth in Connecticut and around the country. But increased economic growth depends on us for ourselves and for our children—my wife and my four children and our way of life.

In fact, President Trump himself seemed to recognize this economic fact, one of the few areas where we agree, because he pledged during the campaign to keep our Nation’s safety net firmly, irrevocably intact—not to make any cuts to Social Security or Medicare. He pledged and promised. Now, who is this man from Connecticut? He is the man with this promise and pledge.

The President must have reversed himself or revoked his promise, because Congressman MULVANEY has spent his entire political career crusading against exactly these programs that keep millions of Americans out of poverty. Social Security is one of the great achievements of our American democracy. In fact, it is one of the greatest achievements the world has known. Because it has allowed this Nation to promise its people that they can avoid crushing poverty if they simply work hard and if they contribute to this program that is a form of insurance.

It is not a gift. It is not really an entitlement. It is an insurance program. It makes us a humane and decent nation. We care for people who have worked hard all of their lives and need to be protected so they need not depend on their children or their grandchildren.

Congressman MULVANEY has called Social Security a “Ponzi scheme.” Tell that to the Social Security recipients who have seen their incomes stagnant over 5 years, 10 years, 20 years. Stagnating incomes and stagnating futures destroy the American dream.

So the Federal Reserve, for example, has reported in 2014 that average incomes have remained stagnant for all but the most affluent 10 percent of American families. That is a staggering fact about our economic system and its ability to deliver for Americans generally. That is the context for this nomination. I consistently hear from my constituents that income has failed to keep pace with overall economic recovery. Even as Wall Street has risen, Americans see nothing but stagnant income, sometimes falling economic prospects. Things have gotten better, but good jobs are still out of reach for far too many.

The President must have reversed himself or revoked his promise, because Congressman MULVANEY has spent his entire political career crusading against exactly these programs that keep millions of Americans out of poverty. Social Security is one of the great achievements of our American democracy. In fact, it is one of the greatest achievements the world has known. Because it has allowed this Nation to promise its people that they can avoid crushing poverty if they simply work hard and if they contribute to this program that is a form of insurance.

It is not a gift. It is not really an entitlement. It is an insurance program. It makes us a humane and decent nation. We care for people who have worked hard all of their lives and need to be protected so they need not depend on their children or their grandchildren.

Congressman MULVANEY has called Social Security a “Ponzi scheme.” Tell that to the Social Security recipients
in Connecticut. Tell that to the working people of Connecticut. He is out of step with working people and middle-class people who know that Social Security does not contribute to the Federal budget deficit, and it is not the Ponzi scheme that Congressman MULVANEY mischaracterizes it as being.

It is fashionable on the far right to use that characterization, suggesting it will run out of money unless severe restrictions are put in place. He has championed those kinds of restrictions—means testing, for example, and raising the retirement age. Those proposals are a disservice to hard-working Americans who reach that retirement age having been promised that they would receive Social Security when they did or work hard to make Social Security work for them, without a means test, without anybody asking them to divulge their most powerful incomes and establish standards or tests that make them ineligible.

It is true that there are changes to these programs that may be necessary. In fact, I proposed a plan for enhancing Social Security, making it a stronger insurance program by raising the cap on the payment of taxes that are due and other kinds of reforms that will more properly allocate the burdens but not means-testing, not raising the retirement age, which are radical and draconian favorites of the far right. Lifting the payroll tax cap so the wealthiest Americans contribute their fair share, as I have proposed, will keep this program solvent for decades into the future.

The only reason to reject the commonsense changes I have proposed is a political aversion to raising taxes on anyone at any time, even the wealthiest individuals or the most powerful and profitable companies, which is the mantra of people who have climbed the ladder and want to raise it so that no one else has access to those top rungs. It makes no sense to me that we would ask people in the top deciles or those who pay the most of their incomes to establish standards that are fair and reasonable, but do nothing about eliminating the loopholes that privilege some of the most affluent people and the largest and most profitable companies in the world.

We should not and must not use the Social Security trust fund as a means to pay down the debt or reduce the deficit or gamble with the hard-earned benefits 61 million Americans rely on during retirement. Those 61 million Americans, who come from all of the States and all over the Nation, are represented in this Chamber, and they deserve better than MICK MULVANEY’s far-right radical ideas that would restructure Social Security. He has failed to recognize this reality and would prevent Social Security from continuing to flourish and provide the stability so essential to this great Nation—already the greatest Nation in the history of the world because of programs like Social Security and Medicare.

Speaking of Medicare, Congressman MULVANEY’s proposal for Medicare also betrays the President’s promise to leave Medicare intact. He has been vocal, absolutely frank about his support for tearing down Medicare, going as far as to say: “We have to end Medicare as we know it.” Do we really have to end Medicare as we know it, tear it down, and jolt Social Security? As MICK MULVANEY says, that betrays President Trump’s promise to keep Medicare intact.

MICK MULVANEY has also supported proposals to privatize this lifesaving healthcare program by turning it into a voucher system, which would effectively gut its promise of guaranteed health benefits. A “voucherized” Medicare would be devastating for our Nation’s seniors. Many of them are already on fixed incomes. This plan would allot them a fixed amount of funds—fixed funds to purchase all of their health insurance, which would result in higher premiums and increased out-of-pocket costs. Connecticut seniors deserve better than MICK MULVANEY’s efforts to restrict Medicare in such a disruptive and destructive way.

Congressman MULVANEY’s actions and statements on Medicare point to a future budget director who has no intention of keeping the President’s promise to protect this crucial health program. This country counts on its next budget director to prioritize facts and responsibilities and the public interest above all others; to rely on real facts, not alternate facts.

Our budget, our deficit, our national debt are, in fact, fact-bound and fact-based. The world relies on real facts when it looks at the American economy, and the people who work in that economy, whether they are young or old, veterans or civilians, depend on real economic growth. Yet Congressman MULVANEY’s reckless approach to fiscal issues has jeopardized this country’s stability and damaged the sake of ideology. That approach in the Congress has led to uncertainty and unpredictability, which are the bane of small- and medium-size businesses, which are, in turn, the major job creators in our society and economy.

Congressman MULVANEY’s extreme views already have negatively impacted the American economy. While in the House of Representatives, he led efforts to legislate that a government shutdown—a tactic to push for specific demands, which included radical anti-choice policies, measures antithetical to women’s healthcare and the right of privacy, including defunding Planned Parenthood. As one of the most senior economic advisers to the President and the head of OMB, he would have immense responsibility to influence this administration and the President. His outright disregard for the harm caused by a government shutdown—a tactic that jolts and jeopardizes our economy and disrupts the lives of millions of Americans—should itself alone disqualify him from this critical role within the Federal Government.

He also sought government shutdowns as well to block the implementation of the Affordable Care Act, which has helped so many people in Connecticut receive care and care they need. I could spend a lot of time talking about the benefits people in Connecticut have received from the Affordable Care Act. Its future is key to the financial future of this country, yet MICK MULVANEY has consistently advanced misconceptions and mistruths about the nature and functioning of this law.

Again, we can agree to disagree on policy, but misrepresenting the truth and relying on alternate facts is exactly what the budget director should not be doing. He is the one whom we rely on for real facts about our economy and our budget.

As the head of OMB, which includes offices that oversee Federal funding, he has a responsibility to make sure that rules are enforced and that people are protected. Yet he has opposed the existence of the Export-Import Bank, an
institution that is critically important to so many of our job creators, big and small businesses in Connecticut and around the country.

He opposed emergency funding for the victims of Hurricane Sandy, despite the devastation caused by this terrible storm, which was unleashed in Connecticut and nearby States.

He has questioned the need for gov-

ernment-funded research, despite the myriad advances in science and medi-
cine that have come from government laboratories and research institutions.

His record shows that he would be the wrong person for this job, harming our safety net and our fiscal stability. I oppose his nomination, and I urge my colleagues to do the same.

I yield the remainder of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Sen-

ator has that right.

Mr. FLAKE. Mr. President, as I did last week and as I will continue to do until he is confirmed, I rise to support the nomination of Judge Neil Gorsuch to serve on the Supreme Court. Judge Gorsuch is an accomplished, main-

stream jurist. I look forward to helping make sure he receives an up-or-down vote here on the Senate floor.

After meeting with Judge Gorsuch and learning more about his judicial philosophy, I continue to be impressed by his respect for the law and by his commitment to service.

Before the Judiciary Committee be-
gins our hearings, I want to highlight aspects of his jurisprudence that qual-
ify him to serve on our Nation’s high-
est Court and make him an ideal can-
didate to fill such a consequential posi-

tion.

Earlier this month I spoke about his fitness to fill Justice Scalia’s seat, as well as his respect for the separation of powers. I would like to focus on his approach to religious freedom.

I have always supported religious freedom as a universal principle. It doesn’t matter if we are defending our own First Amendment right to the free exercise of religion here at home or standing up for the religious freedoms of people under repressive regimes abroad, our country has always valued the right of individuals to practice their faith as they please.

Just as religious freedom is part of our national character, it also provides insight into the character and judicial philosophy of a prospective justice. When I had the privilege of meeting with Judge Gorsuch last week, I asked him about his thoughts on religious freedom. I was struck by his ability to plainly articulate his understanding of the law and the Constitution. He ex-

plained his religious liberty opinions by telling me briefly and simply went where the law led him. His expla-
nation was indicative of his funda-

mental approach to interpreting the law. Judge Gorsuch doesn’t make the law; he follows the law. He reads the Constitution as the Framers under-

stood it. He says the courts interpret laws the way they were written.

Lately, our colleagues on the other side of the aisle have been vocal about the importance of respecting our inde-

pendent judiciary. I couldn’t agree more. They have decried the perils of discriminating on the basis of religious belief. Well, they are in luck. The Su-

preme Court nominee before us would be a staunch defender of independent courts and religious freedom. All they have to do is help us confirm him.

I don’t blame them for wanting to do their homework on a Supreme Court nominee. They should, as we all. They will find that studying Judge Gorsuch’s record will make for enjoyable reading.

On the Tenth Circuit Court of Ap-

peals, Judge Gorsuch has authored a num-

ber of judicial opinions respecting the fundamental principles of religious liberty. His most notable was a concur-

ning opinion on the Hobby Lobby case. In this landmark legal case inter-

preting the Religious Freedom Rest-

oration Act, Judge Gorsuch ruled that the Federal Government cannot force individuals to assist in conduct that violates their deeply held religious convictions. I note that this law used to be noncontroversial. The Religious Freedom Restoration Act was intro-

duced by Senators Ted Kennedy and then Congressman CHUCK SCHUMER. It was passed almost unanimously in 1993 and signed into law by President Bill Clinton.

In his concurrence, Judge Gorsuch wrote: “The [Religious Freedom Rest-

oration Act] doesn’t just apply to pro-

tect popular religious beliefs: it does perhaps its most important work in protecting unpopular religious beliefs, vindicating this nation’s long-held aspira-

tion to serve as a refuge of reli-

gious tolerance.”

Religious tolerance—that is what our country stands for, and that is what Judge Gorsuch stands for. Judge Gorsuch’s position was later vindicated by the Supreme Court. The Court agreed that it is the government’s job to protect an individual’s ability to practice their religion, not to instruct them on how to practice their religion.

In closing, let me reiterate that I be-

lieve Judge Gorsuch is a mainstream jurist who will uphold the Constitution to ensure justice for all, regardless of an individual’s religious beliefs or background. It is in power, which administration is in power. As someone who embraces religious free-

dom, it is a privilege to support and

confirm a judge like Neil Gorsuch, who respects this central constitutional principle. 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. He should be confirmed overwhelmingly, and I am confident he will be.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ANDREW PUZDER

Ms. WARREN. Mr. President, on De-

cember 8, Donald Trump nominated Andrew Puzder to serve as Secretary of Labor. He was scheduled to come before the HELP Committee tomorrow for his confirmation hearing. There is some reporting suggesting that he is having some second thoughts, and I sincerely hope that is true. The reasons Mr. Puzder is a terrible choice for this job are literally too numerous to cover fully, but I will at least give it a start.

If you work for a living, the Labor Secretary is very important to you. This person is responsible for protecting the interests of 150 million American workers. He will be the per-

son responsible for enforcing the law that ensures that employers actually pay workers for every hour they work and setting the standards to prevent workplace injuries and even deaths.

Unfortunately, Mr. Puzder is not the kind of person the American people can trust to stand up for workers. Since 2000, Mr. Puzder has served as the CEO of the billion-dollar company CKE Restau-

rant Holdings. You may know it better as the parent company of Carl’s Jr. and Hardee’s. These two fast-food chains are known for paying very low wages to workers. Mr. Puzder has a long record of cheating workers out of overtime. He has paid out millions of dollars to settle claims when he was caught cheating. We are not talking about isolated incidents. They reflect the kind of business Mr. Puzder built.

Mr. Puzder is a frequent political pun-

dit and commentator who has vocally opposed higher minimum wages. He has also strongly opposed new overtime protections that would give 4 million workers an estimated $1.5 billion raise in a single year.

Mr. Puzder also delights in expressing personal disdain for his workers. He bragged in his very first memo as CEO. He wrote that he wanted “no more peo-

ple behind the counter unless they have their teeth.” Ha, ha. He said he would like to replace his workers with robots because “they are always polite, they always upsell, they never take a vacation, there’s no dip-and-fall, or an age, sex or discrimination case.”

The Senate has an obligation to hear from those who are best qualified to
tell America about Mr. Puzder’s suitability to be Labor Secretary and to stand up for American workers—his own workers. That is why many of us asked the chairman of the HELP Committee to include Mr. Puzder’s workers in his confirmation hearing. When the chairman did, we got ahead and convened our own forum to allow those workers a chance to speak.

Seventeen Senators attended. Those 17 Senators heard from Laura McDonald, who worked as a general manager at Carl’s Jr. in Tucson, AZ, for 20 years. For years, she was forced to work extra hours without pay. Employees like Laura are the subject of a major lawsuit against Mr. Puzder’s company, CKE, regarding unpaid overtime.

Those 17 Senators heard from Lupe Guzman, who is a single mother who has devoted the last 7 years of her life to Carl’s Jr. in Las Vegas, NV. She has worked the graveyard shift for rock bottom wages for seven years of loyalty, and Lupe is still paid so little that she is on food stamps to feed her kids. Lupe sat in front of the U.S. Senate and wept openly about her terrible treatment at the hands of Mr. Puzder’s company.

The Senators also heard from Roberto Ramirez, who has worked in the fast food industry for over 20 years, mostly at Carl’s Jr. in Los Angeles, CA. He worked regularly off the clock at Carl’s Jr. He was making their tips and he didn’t get paid. Roberto even had a full paycheck stolen by his manager.

For every Laura, Lupe, and Roberto, we found dozens of workers who were afraid to speak out about the terrible conditions at CKE. We compiled some stories from folks brave enough to speak up into a 20-page report detailing firsthand accounts of the men and women who work for Mr. Puzder. Those stories are horrifying, and I will read some of them later today.

Mr. Puzder’s company has a truly atrocious record of treating his own workers terribly. Indeed, he has dripping disdain for people who work for a living. This alone disqualifies him to be Secretary of Labor.

But there is more. In recent weeks, it has come out that Mr. Puzder employed an undocumented immigrant in his household for years, and he didn’t pay taxes on that employee. Yep, you heard it here, Mr. Trump. The Trump administration, which bellows about building a wall and pours its chest about ripping millions of families apart with a deportation force, threatens millions of DREAM Act kids with deportation, has no problem putting a guy in its very house, the Labor Department who cheats on his taxes and employs undocumented workers. The hypocrisy of that is pretty stunning, even for the Trump administration.

And then there is the controversy over alleged spousal abuse. Over 25 years ago, Mr. Puzder’s first wife appeared on an episode of Oprah Winfrey in a show about spousal abuse. I have watched the episode in which she appeared, as I believe every Senator should. I found it extraordinarily troubling.

Alongside his company’s poor record of treatment of female employees, his highly explicit and sexualized ads, and his subtle sexual discrimination, there is ample evidence that Mr. Puzder is a terrible choice to head the agency charged with ensuring that women and men are treated fairly in the workplace.

I understand that no matter who President Trump picks to run the Labor Department, I am probably going to have a lot of issues with that person, but this is different. Andrew Puzder should not be the Labor Secretary. And if you ask the Senators in this body—Republicans and Democrats—if you ask them behind closed doors if they believe that he is qualified for this position, they will tell you yes. I heard that correctly. The Trump administration, which bellows about ripping millions of families apart with the cameras turned off, you will have a hard time finding people who think this divisive nomination is good for the country.

It has been suggested that Mr. Puzder is “tired of the abuse” that he has received during this confirmation process. Well, I think the workers at his companies are pretty tired of the abuse they have received at the mercy of an employer who doesn’t care about them at all and who goes out of his way to squeeze them out of every last dime. That is literally the opposite of what we need in a Labor Secretary.

I will ask him on these issues tomorrow, but I hope it is true that he will withdraw his nomination before then.

Mr. President, I also rise today to express many concerns over the appointment of Congressman MULVANEY as Director of the Office of Management and Budget and to urge my colleagues to seriously consider these issues before voting to confirm him.

One of the best ways to understand what OMB looks at is to look at its budget. It is all right there. The budget tells who counts, it tells who gets a chance, and it tells who gets cast aside.

The OMB Director prepares the President’s budget. He safeguards the President’s promises by turning them into real commitments backed by your tax dollars.

During the campaign, President Trump promised over and over again that he would save Medicare and Medicaid. He didn’t imply it; he didn’t drop hints about it. No, he made the clearest, plainest possible promise. He said: “I am not going to cut Medicare or Medicaid.”

But since the election, he has done a complete 180. He put up a transition team website that just dripped with code words for cuts, saying that he would modernize and maximize flexibility for these programs. Gone were the unambiguous promises to protect Medicare and Medicaid.

Then he started nominating people who have made it their life’s work to gut Medicare and Medicaid. His Secretary of Health and Human Services has proposed cutting more than $1 trillion from these programs, and now his nominee for OMB Director is someone who wants to cut Medicare and Medicaid to the bone.

Congressman MULVANEY has voted to increase the retirement age for Medicare. Hey, you have paid into that program with decades of hard work? Too bad, just keep waiting.

He also wants to privatize Medicare, and he wants to slash and burn his way through Medicaid—a program that is a lifeline for millions of people—for parents of people in nursing homes, for people with disabilities, for premature babies.

In his confirmation hearing, Congressman MULVANEY was asked whether he would set aside his rightwing ideology to fulfill the President’s campaign promises to protect Medicare and Medicaid. The Congressman could not have been clearer in his response: Forget all of that. Nope, not interested. MULVANEY is still a true believer in Medicare and Medicaid cuts, and whenever he has the President’s ear, he will continue to advance his own radical ideas for burning down these indispensable programs.

President Trump also promised that he would not cut Social Security. He guaranteed it. Here is his quote—many times: “We’re going to save your Social Security without making any cuts,” he said.

Here was his closer on that: “Mark my words.” OK. Nice words. But he could have picked someone—anyone—to run his budget, and instead he picked Congressman MULVANEY—one of Congress’s most partisan crusaders against the Social Security program. He wants to raise the retirement age to 70. Heck, this is a person who calls Social Security a Ponzi scheme, and, boy, he is not messin’ around, either.

During his confirmation hearings, Congressman MULVANEY —one of the few people in Congress who really cares about people in nursing homes, for people with disabilities, for premature babies—asked the chairman of the HELP Committee to include Mr. Puzder’s workers in his confirmation hearing. The chairman said yes. The President’s OMB Director should be someone who knows how to modernize and maximize flexibility for Medicare and Medicaid, and that person is not MULVANEY.

Is this just a mistake? Did President Trump just pick Congressman MULVANEY by accident? The Congressman certainly doesn’t seem to think so.

At his hearing he said: “I have to imagine that the President knew what he was getting when he asked me to fill that role.”

OK. This is a man who believes he is being brought in to push for cuts in Medicare and Medicaid.

Trump reverses his promise, a second person determined to cut Medicare and Medicaid makes it into a key government role, and who will pay the price? America’s seniors, that is who.

Apparently, Congressman MULVANEY isn’t satisfied with cutting benefits for
Americans who have worked and paid into the program for their entire lives. When it comes to abandoning American workers and families, for him, that is just the beginning.

He has also called the Consumer Financial Protection Bureau ‘a sick, sad joke.’ Maybe he should spend a little more time talking to his constituents and a little less time talking to bank lobbyists.

The CFPB has helped thousands of people—including dozens of people in Congressman MULVANEY’s own district—recover unauthorized fees on their credit cards and checking accounts. It has helped them to correct errors on their credit reports. These are students, seniors, servicemembers, and veterans, who may have spent months haggling with their bank or student loan servicer over a wrong charge, only to get quick and complete relief after they went to the Consumer Financial Protection Bureau.

In total—the agency has only been up for about 5½ years now—it has forced the largest banks across this country, many of those who have been out there cheating consumers, to return nearly $12 billion directly to the people they cheated. That is $12 billion that was stolen by big banks, by payday lenders, by debt collectors, and is now back in the pockets of the people who rightfully earned it.

The only sick, sad joke is that Congressman MULVANEY thinks we should turn the big banks loose to prey on American families once again.

Under Congressman MULVANEY’s budget, Americans who have been cheated and scammed by huge financial institutions will just be cast aside. Families who work hard for every dollar, only to have some ruthless corporation steal their savings right out from underneath them, will be cast aside. And the millions of Americans who have spent decades planning to collect Social Security or Medicare when they retire will be told to just wait four more years. They will be thrown straight to the curb. None of that—none of that—is what America stands for.

That is just the stuff that directly contradicts the President’s campaign promises. The stuff that is totally in line with the President’s campaign promises is genuinely scary too.

On the trail, Donald Trump stated that he “may cut the Department of Education.” Will Congressman MULVANEY stand up for students? Unlikely.

Congressman MULVANEY’s budget crushes students who are trying to get a college education. Students already pay too much for student loans, and Congressman MULVANEY’s solution is to force students to pay more. He supports forcing more college students to rely on private banks that charge sky-high interest rates without any of the basic protections Federal student loans have. He clearly wants to let private banks and Wall Street squeeze as much cash out of hard-working students as humanly possible to build their profits. In fact, Congressman MULVANEY wants to help these giant banks out even more by blocking a new law that would let borrowers to lower their monthly payments by refinancing their student loans to lower interest rates. Not only has he voted to increase the interest rates the government charges students, he has also voted to cut Pell grants to poor college students. If Congressman MULVANEY had his way, millions more hard-working students would be shoved even deeper into debt at the start of their working lives just because they couldn’t afford the high cost of college. Under his budget, students will just be cast aside.

In his confirmation hearing, Congressman MULVANEY also said he is “in lockstep” with Donald Trump’s plans to grow military spending, but he said he also “will be in fund- ing with deep cuts to domestic programs that working men and women around the country depend on—programs that could easily include Head Start, which provides opportunities for low-income children; the disaster aid, which supports families in crisis after a hurricane or tornado; or resiliency programs to protect America as worldwide climate changes.

Listen to that again. The children who attend Head Start can stay home so Donald Trump can divert more money to military spending. The people who get buried in a 100-year storm can stay buried so Donald Trump can divert more money to military spending. And the millions of workers who live near coasts and rivers and streams can be washed away by rising oceans and other waterways so Donald Trump can divert money to military spending—and this nominee, Congressman MULVANEY, is in lockstep to make it happen.

Under President Trump’s new one-in, two-out Executive order, it is Mr. MULVANEY who would have discretion to give each agency a regulatory budget and to cut any rules that increase that budget. The order is supposedly designed to make life easier and to make government work better, but Congressman MULVANEY isn’t interested in making government work better. He would rather gut the Social Security Program, and voting to completely defund the organization that protects seniors, to gut health benefits for low-income families, to drive up the cost of paying for college, and to gut programs that help families in crisis and low-income children, all in the name of making life even easier for giant corporations and billionaires who don’t like to play by the rules, and he will cast aside the rest of the public to do that. That is definitely not what our Nation stands for.

Congressman MULVANEY’s record shows one thing. He will make sure our government contracts to disclose their political contributions. Again, just think about that one for a minute. He doesn’t want corporations that bid for government contracts to be forced to tell when they give money to help targeted political officials. We already have a problem with money in politics. MULVANEY just wants to make it worse.

Congressman MULVANEY’s record shows one thing. He will make sure our Federal Government works well for giant corporations and billionaires who don’t like to play by the rules, and he will cast aside the rest of the public to do that. That is definitely not what our Nation stands for.
lists in the Senate, Republican and Democratic.

I will stand with the Americans who say, ‘Congressman MULVANEY will not stand with the Americans who say, ‘Congressman MULVANEY will cast aside as Budget Director, flavor and I will vote no on his nomination.’

MICK MULVANEY wants to slash benefits under Medicare, Medicaid, Social Security, and countless other programs. These are just numbers to him, but behind those numbers are real people. Real lives are at risk with every decision he will make as the Budget Director. So what I want to do is take the time I have remaining and share the stories of just a few of the people who would be affected.

Lea from Plymouth wrote to me, worried that Congressman MULVANEY would cut Social Security for her and for others in Massachusetts. Lea had an interesting suggestion. Here is what she wrote:

I have just sent off an email message to Representative Mulvaney regarding his support for the cutting of Social Security benefits.

I challenged him and many of his colleagues to do this: Live on an income like mine—$1,219.80—for one month.

Having received my first increase of $2.50 in several years, it was offset by a Medicare cost increase of $1.50. Do the math.

I hope you and the other Democratic members of both houses fight like hell to protect your benefits.

We are definitely in for a bumpy ride for our health permits. This is fine. We are for-
Mr. President, I yield.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Missouri.

Mr. BLUNT. Mr. President, every day we continue to set new records for how long it takes for the new President to get his Cabinet in power—in office— and the responsibility to carry out the things that the President said that he wanted to do. And in this conference, we are doing it now. In the middle of the 115th Congress.

I am also writing to urge your support for the protection of the Medicaid program from proposals to restructure Medicaid as a block grant or cap program. These proposals would reduce federal investment in Medicaid and leave millions of Americans without access to needed mental health and addictions treatment. It is time to stand with our patients and protect their access to treatment.

Thank you, Daniel. Thank you very much for writing, and thank you for the work you do.

Congressman MULVANEY wants to eviscerate health programs that would help Michael’s son and the thousands of people in the Senate to do that as well. Thank you.

We also heard from Daniel Mumbauer, who is president of the High Point Treatment Center in Massachusetts. Daniel has experienced firsthand how Medicaid funds can change the lives of thousands of people in Massachusetts alone. This is what Daniel wrote:

On behalf of High Point Treatment Center, I am writing to urge and request your support in protecting the Affordable Care Act and preserving Medicaid expansion in the 115th Congress.

High Point served over 30,000 individuals last year with substance use disorder and mental health services to adults and children. Recent health insurance data show that Americans with mental health and substance use disorders are the single largest beneficiaries of the Affordable Care Act’s Medicaid expansion. Nearly one in three who receive health insurance coverage through Medicaid expansion either has a mental illness, a substance abuse disorder, or both. By repealing or capping Medicaid expansion, this population of vulnerable Americans would be left without access to lifesaving treatment, driving up costs in emergency department visits and hospital stays.

I am also writing to urge your support for the protection of the Medicaid program from proposals to restructure Medicaid as a block grant or cap program. These proposals would reduce federal investment in Medicaid and leave millions of Americans without access to needed mental health and addictions treatment. It is time to stand with our patients and protect their access to treatment.

Thank you, Daniel. Thank you very much for writing, and thank you for the work you do.

Congressman MULVANEY wants to eviscerate health programs that would help Michael’s son and the thousands of people who are treated at the High Point Treatment Center. That is exactly the opposite of what we should be doing.

I have also heard from many constituents worried about losing their Social Security benefits under the new administration, like Kensington from Hatfield, who is terrified that his mother, who depends on Social Security, will lose her benefits. Here is what he wrote:

Last night scared me for the first time. My mother is 89 and depends on Social Security for her income and has severe COPD and relies on Medicare and Medicaid for prescription medications. She was diagnosed with breast cancer and is in treatment. She is going through this alone. She is scared of the cost of this medicine. It is so expensive. It is so high. I can’t understand it. She was recently told she is inoperable and has to keep breathing.[.]. She is not ready to give up. She is not ready to die. I don’t know what to say to comfort her and that scared me! What can I say to ease her mind and let her know that she will be OK. Will she get help?

Thank you, Kensington, for your note. Your mother is right to be worried, and that is why I am fighting this nomination.

I have so many more stories—many, many stories—that I could read, but I am running out of time here.

I want to say that MICK MULVANEY is dangerous to the American people, and he is dangerous to the Federal Government. He will slash programs right and left without worrying about the living breathing people whom he is hurting in the process. That is why I will be voting against his nomination as Director of the Office of Management and Budget and why I urge my colleagues to do the same.

Let’s make sure that MICK MULVANEY never ends up as the head of the Office of Management and Budget, never is in a position to put together a budget to cut Medicare and cut Medicaid. Let’s make sure that we keep our government, our Medicare, our Medicaid, and our Affordable Care Act working for the American people. That is what I will keep fighting for.

Mr. President, I yield.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Missouri.

Mr. BLUNT. Mr. President, every day we continue to set new records for how long it takes for the new President to get his Cabinet in power—in office—and the responsibility to carry out the things that the President said that he wanted to do. And in this conference, we are doing it now.

In the great history of confirming people, from the Garfield administration in the 1880s until Franklin Roosevelt in 1932, the entire Cabinet in that whole period of time was confirmed on the first day. Now we are in the longest period in the history of the country since George Washington was President to try to get a Cabinet in place, not to mention all of the other jobs that go along with confirming the Cabinet in power and no wonder that a few years ago the Senate looked at the numbers of people we had taken responsibility to confirm and said: Now, which of those do we really have to confirm and which of those would we only confirm if someone in the Senate believes we have to have a hearing on that level of person and that agency at that time?

We tried to streamline a process that we all know needs to be streamlined, but with only a couple of exceptions, every person so far has been the most dangerous nominee of all time for whatever job it is. There must be fill-in-the-blank speeches back there somewhere that go from one to the next: This would be the worst person who could ever possibly hold this job.

In the case of Congressman MULVANEY, it appears to be because he wants to try to do things that allow the administration to pass their legislative package; he wants to do things that allow the deficit at some point to be eliminated. And no matter what point that is, that point would be too early for some of our friends on the other side.

Interestingly, as we talk about the Affordable Care Act, which has turned out to be very unaffordable for almost any family on the individual market and many families who had insurance that worked for them before—the Affordable Care Act cut Medicare in the plan by $500 billion over 10 years. We hear speaker after speaker on the other side say: We would never do anything to cut Medicare. I argued vigorously against those cuts when they occurred.

As we move forward, I think we ought to be very thoughtful that we restore the cuts in areas where clearly it is not working the way people thought the Affordable Care Act would work. The person in charge of the numbers, the person in charge of the balance sheet, the person who calculates the costs should be someone with the capacity to do that. The President has decided, and the Senate, when finally allowed to vote, will determine that person is Mr. MULVANEY.

Mr. President, I yield.

Mr. President, the other thing we hope to do this week is to get to the EPA Administrator. I have a hard time imagining that anybody had more future damage lined up for the economy than the past Administrator of the EPA. Rules like the clean power rule—all these rules almost always have a good name. Clean power, who wouldn’t be for that? I am certainly for clean power, but the clean power rule, in virtually every State in the country, would have increased utility rates from the middle of the State of Pennsylvania to the western edge of at least Wyoming, if not beyond that.

Fifty percent of the power produced by coal-powered utility plants, most of which are cleaner than any utility plants that use coal have ever been or are anywhere in the world today, many of which are almost new, many of which aren’t paid for—and, of course, somebody who pays for that utility plant, whether you use it or not. It is the family who pays the utility bill. There is no mythical somebody else who will pay this bill. So if you shut down a plant sooner than you should, somebody has to pay for that.

You could write those same rules if your goal was to eliminate coal. That is a different debate. It is a debate we could have at another time. If your goal were to eliminate coal, you could write those same rules. The rule simply says: What utility plants you are using right now, which meet all the current standards, which are, in many cases, the cleanest coal-fired plants
that have ever been built or are being used anywhere in the world today—when that plant is paid for, here is what you have to do next. Then, when you get your utility bill, you are not paying for the plant you are not using and you are paying for the plant you are using. This would be as if there were a new standard—this is the EPA view of this—on automobile mileage, and that standard came out and said: Here is what automobiles have to look like, in terms of standards, on miles per gallon and, by the way, you have to have that car or that truck right now. If you have a truck or a car that you are already driving that doesn’t meet that standard, you can’t drive it any longer. Of course, you still have to pay for it, but you can’t drive it any longer. We have been doing mileage standards in this country that have made a significant difference for a long time, but we haven’t had the authority to do that: you have to pay for the car you are driving, and you have to buy a new car. And, of course, you have to pay for the car you are driving or the bank is unlikely to give you the loan for a new car. But that is what the EPA said in the clean power rule.

There is a commonsense way to do things, and the next nominee we will be dealing with, Attorney General Pruitt, is a commonsense guy. He has had great responsibility as attorney general, but he has been willing to challenge these rules that didn't make sense.

On the clean power rule, by the way, Missouri is the fourth biggest user of coal-produced energy. Projections were that the average Missouri utility bill under that rule, if it had been allowed to go into effect—still in the courts because the courts say that EPA really doesn’t have the authority to do that: at least the lower courts have all said that. If that had been allowed to go into effect, the average Missouri utility bill would have doubled in 10 or 12 years. It is not hard for a family to figure out what utility bill would cost them. If that happens, you can’t buy a new car, you must pay for the car you are driving, and you have to buy a new car. And, of course, you have to pay for the car you are driving or the bank is unlikely to give you the loan for a new car. But that is what the EPA said in the clean power rule.

The crucial role of OMB and the development of the Federal budget means that the Director often has the final word on the priorities of our Federal agencies. The Director must be someone who will approach the enormity of the Federal Government in a thoughtful and deliberative manner. They must be able to consider how the budget will impact the everyday lives of all Americans. Representative Mulvaney’s support for reckless, across-the-board cuts demonstrates that he is not up to this challenge.

Donald Trump campaigned on the promise that he would make no cuts to the Social Security safety net. That means no cuts to Social Security, Medicare, and Medicaid. Congressman Mulvaney’s nomination shows that, despite what candidate Trump may have said, President Trump intends to do just the opposite. This is not what millions of people voted for. Mick Mulvaney’s nomination has Americans across the country, and in Massachusetts who currently rely on Social Security. He represents a threat to the millions more who expect the program to be
Raising the Social Security retirement age is just one of many of President Trump’s broken promises. He also wants to cut Medicare and the health care of millions of Americans. Congressmam MULVANEY looks ready to do the President’s bidding.

Congressman MULVANEY has said we need to end Medicare as we know it and supported House Speaker PAUL RYAN’s destructive ideas to turn Medicare into a voucher program. Congressman MULVANEY was wrong when saying that those efforts did not go far enough. Those kinds of cuts to Medicare would be nothing short of a disaster for the 55 million Americans enrolled in the program, including the more than 1 million individuals in Massachusetts who rely on Medicare for their health care needs.

Seniors deserve an OMB Director who will protect their health care, not put it on the chopping block. We know Congressman MULVANEY is deeply committed to making Social Security a thing of the past because we have seen how far he is willing to go to support them. He was one of the few key cheerleaders of the Republican government shutdown in 2013. He was willing to put millions of American families, businesses, and services at risk in order to defund the Affordable Care Act.

That shutdown cost the United States more than $24 billion. At that time, Congressman MULVANEY said it was good policy. He said it was all worth it in order to prove a point. That simply is irresponsible. That kind of recklessness has no place in the Office of Management and Budget. Congressman MULVANEY also does not believe in raising the debt limit.

Back in 2011, he put the economy at risk when Republicans held our debt limit hostage. He put the full faith and credit of the United States in danger by his willingness to allow the Trea- sury to default, which would have created massive noneconomic activities. That was good policy. He said it was all worth it in order to prove a point. That simply is irresponsible. That kind of recklessness has no place in the Office of Management and Budget. Congress- man MULVANEY dismissed these concerns and called the potential breach of the debt limit a fabricated crisis. Nothing could be more fiscally irresponsible and further from the truth.

Congressman MULVANEY is not the type of leadership Americans expect in their government, and he is not the type of leadership needed to direct the Office of Management and Budget. Strong leadership is especially crucial at the Office of Management and Budget, where responsible oversight of the regulatory process is a requirement of the Director’s role. The individual in charge must be willing to make fair determinations based on facts and evidence.

Congressman MULVANEY’s record gives me no confidence that he will meet this standard. Congressman MULVANEY also dismises accepted science and rejects established facts. He has stated global warming is based on questionable science and has out-

right dismissed the threat that climate change imposes on the planet. OMB oversees agencies’ use of the social cost of carbon, the Federal metric that assigns a dollar value for future damages to each ton of carbon dioxide emitted into the atmosphere. We need an OMB Director who accepts the scientific consensus of climate change because it will be the most vulnerable in our society who will pay the highest price if we ignore cli- mate science and the danger it poses, not only to our own country but to the rest of the world.

Our country faces serious challenges that require the careful and non- partisan allocation of resources. We need a Director of the Office of Management and Budget who will hear the concerns of all Americans, not promote dangerous fiscal ideologies. Congress- man MULVANEY has indicated that he will approach our budget with an ax, and it will be our seniors who will be first on the chopping block. I do not believe we should put millions of Americans into poverty because they have a Social Security retirement age to 70 years old. It is a myth that that MULVANEY wants grandma and grandpa to wait until they are 70 years old—that is 4 years older than the current retirement age—before they can call upon the benefits they deserve.

No. 1, MULVANEY would not want to make it so Americans have to work longer, he wants them to receive less when they finally do retire. At his Budget Committee hearing, MULVANEY said that he himself was willing to subject to these new rules, since they might require him to work a couple of extra months before retirement and require his children to work until they are 70.

No. 2, MULVANEY would not move out of touch with working-class, blue-collar workers across our country. I have no doubt that MULVANEY would be able to work a few extra years in his current role as a Congressman or Director of OMB or a great job that he would get after those responsibilities, but what about millions of construction workers, carpenters, waitresses, gardeners, busdrivers, and others with physically demanding jobs? My father, a milkman, did many years can you work being a milkman? You have to go until you are 70 to receive a Social Security benefit in this country in the future? That is the challenge we have. We ask milkmen, we ask 69-year-old construction workers to make a commitment in blis- tering summer heat because Social Security is no longer there when it is promised. Do we expect a 68-year-old window washer to climb the scaffolding every day when they cannot afford to retire. Do we expect Social Security benefits? We should not balance the budget on their backs. That is just plain wrong.
and 1982. He wrote this as a warning to the future, about why we should not try to repeat what Reagan tried to do in 1981 and 1982.

What he talked about in the book is this. The same kind of made-up numbers in magellan—rose-colored glasses—the most optimistic projection on what would happen to our economy if we had these massive tax cuts and increases in defense spending, while pretending that we were going to do all of these other things, which actually never did happen.

So he said, because the numbers did not add up, they had to engage in a lot of fiscal chicanery. What he did was he constructed two little separate categories. No. 1, he called it the magic asterisk. The magic asterisk was this attempt to avoid ever specifically having to itemize all of the budget cuts that would cause a revolution in America because they knew they could not put that list out.

So he labeled it a magic asterisk—cuts to be named later, programs to be cut later. We all know the names of those programs—Medicare, Medicaid, education, Environmental Protection Agency, Head Start, all the way down the list, but we will just hide the ball on that.

Secondly, he constructed another idea, he said, which was also fraudulent, which was called ‘Rosy scenario.’ What they would do is, they would put together economics who would then, using completely bogus projections for the future, project massive economic growth. That is what Donald Trump talks about now: Oh, we will see growth that you have never seen before in the history of mankind—rosy scenario.

There is no economic data to back it up, but that is just how much Trump is trying to model himself after this attempt in 1981 and 1982 to sell the exact same thing, which collapsed, by the way. They collapsed like a house of cards economically because it did not add up. You cannot have a magic asterisk for all of these cuts that are never going to happen because ultimately the Democrats are going to back down the Republicans.

We are going to back them down on cutting Medicare. We are going to back them down on cutting education. We are going to back them down on cutting all of those programs. We are going to have this battle. They already know it, but it is not going to stop them in terms of the first two programs, the tax cuts and the defense increases. They are going to still try to ram them through. That just means bigger and bigger and bigger deficits.

The only way they can get away with it is if they can project massive economic growth in our country, which is the ‘rosy scenario.’ Then you have a bunch of economists who are kind of supply-siders who kind of look back at the 1980s and ask: Can’t we go back to the Reagan era again and repeat that?

You don’t want to repeat it. The guy who put the program together said: Please don’t do that again. Please don’t do that again. He said here: Ronald Reagan chose not to be a leader but a politician, and in doing so, showed why passion and imperfection, not realism,ENCE ruled the world. ‘His obstinacy,’ said David Stockman, ‘was destined to keep America’s economy hostage to the errors of his advisors for a long, long time.’

Mark Twain used to say that ‘history does not repeat itself, but it does tend to rhyme.’ So, yes, this isn’t exactly like Ronald Reagan in 1981 and 1982, but it rhymes with 1981 and 1982. It rhymes with it. They are trying to argue economics like lawyers; right? Politicians, PR people. Sell the bull of goods, Donald Trump calls it ‘truthful hyperbole,’ like when he is selling a piece of property. Well, the United States is not a piece of property. The American economy is not a piece of property. It is the central organizing principle for all of the hopes and all of the dreams of every person who lives in our country.

You cannot allow for knowingly false premises to be advanced, and that is what Donald Trump will represent in this entire process if he is confirmed as the new head of the Office of Management and Budget. He represents someone who is going to reach back into time to this era which has already been shown to have completely failed and repeat the experiment again. The American people just can’t run the risk because ultimately the economic catastrophe—the impact on ordinary families—would be so great that ultimately we would look back and say that this Senate failed, that we did not discharge our responsibilities to those families.

So from my perspective, I stand out here knowing that once again we are faced with this prospect of repeating David Stockman’s book “The Triumph of Politics: Why the Reagan Revolution Failed” and knowing that when Donald Trump said: Oh, don’t worry, I am going to take care of you, ordinary Americans; you are going to get the biggest tax breaks—they are not. That is not his plan.

Oh, don’t worry. I am going to give you better healthcare. I am going to give you more coverage for your families. That is not going to happen. That is not his plan.

I am going to give you cleaner air and cleaner water. It is going to be the best. It is going to be the greatest. That is not going to happen.

It is the triumph of politics. It is the triumph of the special interests, of the oil and gas industry, of the defense establishment that wants bigger and more contracts, of the wealthiest who want big tax breaks. It is the triumph of the most powerful, of the wealthiest, of the most entrenched. That is what this Trump administration is already about, and they are going to continue to say: Don’t worry. Your healthcare will be better. Your air will be cleaner. Your children will be safer. Social Security will be protected.

But then who gets named to run the Office of Management and Budget? Somebody who wants to raise the retirement age to 70; someone who wants to fundamentally change Medicare as we know it; somebody who has an agenda that looks a lot like 1981 and 1982 in the Reagan years, very much like it.

So is there anything new here? No. Is this just a sales job, a con job? Yes. Because when you pull back the covers and you look at what is about to unfold, it is something that is going to be very destructive of our economy. It is going to further income inequality across our country. It is going to reduce opportunity for every child in our country. Rather than democratizing access to opportunity through care and education, they are going to work systematically to undermine those opportunities, to reduce the chances that they can maximize their God-given abilities.

That is why this nomination is so important because the OMB controls the Federal budget. That is all the hopes and all the dreams. That is where the money goes. Who gets it? What are the incentives?

Right now, once again, Donald Trump is embracing Ronald Reagan’s trickle-down economics: the more money you give to the people who are already rich, the more it will trickle down to ordinary folks.

We don’t hear him saying: Oh, don’t worry, the overwhelming majority of these tax breaks are going to go to the blue-collar people in our country. You are not going to hear him say that. And when you look at all the proposals they have made, it always goes to the corporations, it always goes to the upper 1 or 2 percent.

Those promises he made are just the same as David Stockman’s and Ronald Reagan’s back in 1981 and 1982—identical almost down to the final detail—and are just as guaranteed to fail.

We have Congressman Mulvaney who has been nominated. And give him credit—he is actually honest about what he believes. He is actually very clear in his explanation of what the administration is going to try to do. If he is confirmed and can partner with Donald Trump to implement this agenda. We give him credit for his honesty, but it is only honesty in saying that he is going to defend a set of economic assumptions that are completely and totally fanciful and have already been disproven in the marketplace—the political marketplace.

So all I can say here is that it would be reckless of the Senate to deliver over to the American people once again someone whose intent is to try to take this formula which gathers voluminous amounts of information to defend knowingly erroneous premises.
You cannot have massive tax cuts and massive increases in defense spend-
ing and balance the budget without killing all of these programs that
almost every American family relies on, beginning with Social Security and
Medicare, education programs, all the way down. We can’t do it.

So that is why we are fighting out here. We are fighting to make sure we
don’t repeat the same history we have already lived through.

By the time Reagan reached near the end of his career, guess what he did. He
changed and began to acclimate himself to reality. He began to accept, through a
steadfast commitment of the chief, the actual impact his initial policies were
having. And that is all we are trying to
do right now. We are trying to start
out where we are going to be forced to
wind up anyway. Why not do that since
we have already learned the lesson? Why not have those lessons of the past
be implemented? But no. They are committed to a repetition syndrome, a
reevaluation of what has already oc-
curred, rather than a reconciliation with
the growth of new advisers, the
pace of change.

I stand here to oppose Congressman
MULVANEY’s nomination for the Office
of Management and Budget. I don’t
believe it would be a good thing for our
country, for our economy. This is just
too dangerous a roll of the dice with
our entire Nation. So I say to the Sen-
ate, please vote to reject this nomina-
tion. If President Trump has nominated
someone who does reflect the best
economic values that our country has.

With that, I yield to the Senator
from Washington State, Mrs. MURRAY.
The PRESIDING OFFICER. The Sen-
ator from Washington, ANDREW PUZDER.

Mrs. MURRAY. Mr. President, before
I begin to speak about the nomination
before us right now, I did want to com-
ment on the breaking news regarding the
nomination of Andrew Puzder. I think it is
hard to believe that every single one
of my Republican colleagues feels com-
fortable with someone with such a seri-
ous lapse of judgment in charge of the
budget of this administration.

I voted against Congressman
MULVANEY’s failure to
CREDIT his motivations, explanations,
and I want to pick up on what I think
are the most important reasons for the
failures of this administration.

Congressman MULVANEY is not shy
about where he stands on this. When I
sat down with him a couple of weeks
time ago, he made it very clear that he
would use our budget to radically re-
shape our country in a way that I
believe would be devastating to families,
to seniors, to veterans, to the middle
class, and to many others.

Congressman MULVANEY’s failure to
be implemented? But no. They are
committed to a repetition syndrome, a
reevaluation of what has already oc-
curred, rather than a reconciliation with
the growth of new advisers, the
pace of change.

I stand here to oppose Congressman
MULVANEY’s nomination for the Office
of Management and Budget. I don’t
believe it would be a good thing for our
country, for our economy. This is just
too dangerous a roll of the dice with
our entire Nation. So I say to the Sen-
ate, please vote to reject this nomina-
tion. If President Trump has nominated
someone who does reflect the best
economic values that our country has.

With that, I yield to the Senator
from Washington State, Mrs. MURRAY.
The PRESIDING OFFICER. The Sen-
ator from Washington, ANDREW PUZDER.

Mrs. MURRAY. Mr. President, before
I begin to speak about the nomination
before us right now, I did want to com-
ment on the breaking news regarding the
nomination of Andrew Puzder. I think it is
hard to believe that every single one
of my Republican colleagues feels com-
fortable with someone with such a seri-
ous lapse of judgment in charge of the
budget of this administration.

I voted against Congressman
MULVANEY’s failure to
CREDIT his motivations, explanations,
and I want to pick up on what I think
are the most important reasons for the
failures of this administration.

Congressman MULVANEY is not shy
about where he stands on this. When I
sat down with him a couple of weeks
time ago, he made it very clear that he
would use our budget to radically re-
shape our country in a way that I
believe would be devastating to families,
to seniors, to veterans, to the middle
class, and to many others.

Congressman MULVANEY’s failure to
be implemented? But no. They are
committed to a repetition syndrome, a
reevaluation of what has already oc-
curred, rather than a reconciliation with
the growth of new advisers, the
pace of change.

I stand here to oppose Congressman
MULVANEY’s nomination for the Office
of Management and Budget. I don’t
believe it would be a good thing for our
country, for our economy. This is just
too dangerous a roll of the dice with
our entire Nation. So I say to the Sen-
ate, please vote to reject this nomina-
tion. If President Trump has nominated
someone who does reflect the best
economic values that our country has.

With that, I yield to the Senator
from Washington State, Mrs. MURRAY.
The PRESIDING OFFICER. The Sen-
ator from Washington, ANDREW PUZDER.

Mrs. MURRAY. Mr. President, before
I begin to speak about the nomination
before us right now, I did want to com-
ment on the breaking news regarding the
nomination of Andrew Puzder. I think it is
hard to believe that every single one
of my Republican colleagues feels com-
fortable with someone with such a seri-
ous lapse of judgment in charge of the
budget of this administration.

I voted against Congressman
MULVANEY’s failure to
CREDIT his motivations, explanations,
and I want to pick up on what I think
are the most important reasons for the
failures of this administration.

Congressman MULVANEY is not shy
about where he stands on this. When I
sat down with him a couple of weeks
time ago, he made it very clear that he
would use our budget to radically re-
shape our country in a way that I
believe would be devastating to families,
to seniors, to veterans, to the middle
class, and to many others.

Congressman MULVANEY’s failure to
be implemented? But no. They are
committed to a repetition syndrome, a
reevaluation of what has already oc-
curred, rather than a reconciliation with
the growth of new advisers, the
pace of change.

I stand here to oppose Congressman
MULVANEY’s nomination for the Office
of Management and Budget. I don’t
believe it would be a good thing for our
country, for our economy. This is just
too dangerous a roll of the dice with
our entire Nation. So I say to the Sen-
ate, please vote to reject this nomina-
tion. If President Trump has nominated
someone who does reflect the best
economic values that our country has.

With that, I yield to the Senator
from Washington State, Mrs. MURRAY.
The PRESIDING OFFICER. The Sen-
ator from Washington, ANDREW PUZDER.

Mrs. MURRAY. Mr. President, before
I begin to speak about the nomination
before us right now, I did want to com-
ment on the breaking news regarding the
nomination of Andrew Puzder. I think it is
hard to believe that every single one
of my Republican colleagues feels com-
fortable with someone with such a seri-
ous lapse of judgment in charge of the
budget of this administration.

I voted against Congressman
MULVANEY’s failure to
CREDIT his motivations, explanations,
and I want to pick up on what I think
are the most important reasons for the
failures of this administration.

Congressman MULVANEY is not shy
about where he stands on this. When I
sat down with him a couple of weeks
time ago, he made it very clear that he
would use our budget to radically re-
shape our country in a way that I
believe would be devastating to families,
to seniors, to veterans, to the middle
class, and to many others.

Congressman MULVANEY’s failure to
be implemented? But no. They are
committed to a repetition syndrome, a
reevaluation of what has already oc-
curred, rather than a reconciliation with
the growth of new advisers, the
pace of change.

I stand here to oppose Congressman
MULVANEY’s nomination for the Office
of Management and Budget. I don’t
believe it would be a good thing for our
country, for our economy. This is just
too dangerous a roll of the dice with
our entire Nation. So I say to the Sen-
ate, please vote to reject this nomina-
tion. If President Trump has nominated
someone who does reflect the best
economic values that our country has.

With that, I yield to the Senator
from Washington State, Mrs. MURRAY.
The PRESIDING OFFICER. The Sen-
ator from Washington, ANDREW PUZDER.

Mrs. MURRAY. Mr. President, before
I begin to speak about the nomination
before us right now, I did want to com-
ment on the breaking news regarding the
nomination of Andrew Puzder. I think it is
hard to believe that every single one
of my Republican colleagues feels com-
fortable with someone with such a seri-
ous lapse of judgment in charge of the
budget of this administration.
So those are just some of the promises that President Trump made with respect to Social Security and Medicare. There are quotes like that from rallies and campaign events and debates over a period of some months. I think there is a lot of speculation on the part of a lot of seniors, when they heard these promises that these vital programs would be protected—that was a political litmus test for many American older people. So I described the bait-and-switch game as a financial threat to seniors, when they heard that—

President Trump made promises of increasing benefits to Social Security and Medicare. Those promises were about the future, but they didn’t include the hard truths that seniors would face. I want older people in America to know that they are going to be safe if they elect me.

It was almost like a litmus test for America’s older people. Then Congressman MULVANEY comes along and he basically calls the bluff on the whole thing. He describes the bait-and-switch game as we are talking about here? You have the President—Candidate Trump—saying: Nothing doing; nobody is going to mess with Social Security and Medicare—off limits. I want older people in America to know that they are going to be safe if they elect me.

So I will just close by way of saying that I see that a big part of my job, and what Oregonians sent me here to do, is to defend Medicare and Social Security for generations of Americans to come. That is why I am a no on the Mulvany nomination. I urge my colleagues to oppose the nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

Mrs. MCCAUNL. Mr. President, many Americans ask who know the Director of OMB is, but I want to stand today and explain what an important position in our government it truly is.
The Director of OMB is responsible for not only implementing and articulating the President’s budget but also safeguarding the regulatory process. I would say there is another part of the job because when you are Director of OMB and you are putting a budget out, you also have to understand the checks and balances of our government, including that there are two Houses in Congress and there are different opinions in Congress. Sometimes in getting a budget, the word ‘compromise’ has to be utilized, which, by the way, was one of the favorite concepts of our Founding Fathers in our Constitution. That is why they embraced checks and balances, because they wanted to foster compromises and consensus.

That is why Representative MULVANEY is not the right person for this job. He is someone who has been a disrupter. There is a place for disrupters in government. I am not castigating the disrupters, but I don’t think a disrupter belongs as the head of the OMB.

Some people are going to talk a lot about his career and quote him: “We have to end Medicare as we know it.” Other people will talk about how he has agreed with the characterization of Social Security as a Ponzi scheme; that he has advocated raising the Social Security eligibility age to 70, even for people who would be as old as 59 right now and have been working in physical labor all of their lives. Yes, he has advocated dramatic changes in dismantling Medicare and Social Security in many ways. I would like to focus on the fact that he thinks it is OK to default on the debt, that he thinks a government shutdown was good policy in many ways. I would like to focus on the fact that he would bring a rigid ideology and our defense budget that were a blunt instrument based on an ideology and not a thoughtful position based on our national security.

I listened to Mr. MULVANEY as he said to me in a one-on-one meeting how he would prioritize the debts he would pay if he defaulted on the debt. Wouldn’t that be a great addition to the chaos we are all feeling right now; that the U.S. Government would be Turkey or Greece or another country that is having trouble meeting its obligations.

We have a beacon on the Hill not just for liberty but a beacon on the Hill in terms of economic strength. The notion that we would not rise to our obligations—understanding, as Congressman MULVANEY does, that this is not a spending issue; this is a meeting-our-obligations issue. This is like buying a pickup truck and halfway through the payments you decide you don’t want to pay anymore. This isn’t a matter of deciding whether you are going to buy the pickup truck in the first place. That is not the point. Raising the debt limit is merely deciding we are going to pay our obligations.

So the fact that he believes brinkmanship is a good thing in terms of shutting down the government, the fact that defaulting on our debt is an option for Congressman MULVANEY, the fact that if you look at those positions, you realized considerably not part of his vocabulary; that brinkmanship and rigid ideology is what he would bring to this process, that is the last thing we need in Washington, DC, right now, brinkmanship and rigid ideology, especially when it comes to our budget and prioritizing our funds.

I cannot support Congressman MULVANEY. As the ranking member on the Homeland Security and Governmental Affairs Committee, I hope I can urge my other colleagues to understand that there are many people whom I could support for Director of OMB, but Congressman MULVANEY is not one of them.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Congressman MICK MULVANEY to serve as the Director of the Office of Management and Budget.

Under most circumstances, I always give the benefit of the doubt to the incoming President for obvious reasons; that he is the choice of the American people. So it is with great reluctance that I come to the floor of the Senate to rise in opposition to the nomination of Congressman MULVANEY to serve as the Director of the Office of Management and Budget.

President Trump has committed to “end the Defense sequestration and rebuild our military.” Earlier this month, the President promised troops at CENTCOM headquarters that his administration “will make an historic financial investment in the armed forces of the United States.” I fully support the President’s commitment. I fear that Congressman MULVANEY, as the Director of the Office of Management and Budget, does not.

I believe we must rebuild our military while at the same time putting our Nation on a sustainable, long-term fiscal path. We can and must do both. Unfortunately, Congressman MULVANEY has spent his last 6 years in the House of Representatives pitting the national debt against our military. He offered amendments in support of cutting our national defense funding year after year after year.

As my colleagues have sought, repeatedly to find legislative solutions to reverse dangerous defense cuts and eliminate arbitrary defense spending caps, it was Congressman MULVANEY and his allies who repeatedly sought to torpedo these efforts.

In 2013, Congressman MULVANEY succeeded in passing an amendment to cut $3.5 billion from the Defense appropriation bills. His website featured an article touting the achievement, but when I asked him about that vote during his confirmation hearing, Congressman MULVANEY said he didn’t remember that amendment. I think anybody who treats our national defense with the seriousness it deserves would remember a vote like that.

President Trump has said that defense cuts over the last several years have depleted our military. Our military leaders have testified that these cuts have placed the “lives of” our military “servicemembers at greater risk.” That is an exact quote from our military leaders, but Congressman MULVANEY has said that in the greater scheme of things, sequestration cuts were not that big. He also said: “The only thing worse than these military cuts would be no cuts at all.”

This is the kind of statement that can only be made by a person detached from the reality of what these cuts have meant to military servicemembers. Tell that to the thousands of soldiers who were forced out of the Army because of these cuts. Tell that to the Marine pilots who fly fewer hours per month than their Russian and Chinese counterparts because of these cuts. Tell that to the Air Force, stealing parts from retired aircraft and museum pieces to keep their planes in the air because of sequestration. Tell that to the crew of the submarine USS Boise who can’t deploy because their ships are longer gone and can’t receive required upkeep because of chronic maintenance backlogs. Tell that to the thousands of Navy sailors who have picked up the slack for an overworked Navy by going on extended deployments and spending more and more time away from their families, all because of the defense cuts.

Congressman MULVANEY’s beliefs, as revealed by his poor record on defense spending, are fundamentally at odds with President Trump’s commitment to rebuild our military. This record can’t be ignored in light of the significant authority exercised by the Director of the OMB over the Federal budget.

Almost every one of my colleagues in this body—all but one—voted for Jim Mattis to be Secretary of Defense because they knew he was the right leader to help the Department of Defense confront growing threats to our national security. I share that confidence, but I also know he can’t do it alone. Voting in favor of Congressman MULVANEY’s nomination would be asking Secretary Mattis to spend less time fighting our enemies overseas and more time battling the deficit and more and more battles with an OMB Director with a deep ideological commitment to cutting the resources available to his Department.

Congressman MULVANEY’s record is equally troubling when it comes to foreign policy. Apparently, Congressman MULVANEY shared President Obama’s naïve assumptions about Russia’s threat to Eastern security when he voted to require the withdrawal of two Army brigade combat teams from Europe. During the 2012 “fiscal cliff” negotiations, Congressman MULVANEY said in 2013 when he voted to withdraw the 2nd Cavalry Regiment from Europe. Congressman MULVANEY and others...
supported these withdrawals in the name of saving money, but the shortsighted decision to withdraw troops and capabilities from Europe ended up costing the taxpayers billions more, not less.

When Russia invaded Ukraine in 2014, America's military presence in Europe was inadequate to the scale and scope of Russia's threat to our interests and our allies. Addressing this problem has required billions of dollars in new investments in our own defense posture in Europe; in other words, American taxpayers, quite literally, paid the price for the strategic mistake of withdrawing from Europe, supported by Congressman MULVANEY.

In 2011, Congressman MULVANEY voted for the immediate withdrawal of all U.S. troops from Afghanistan. I repeat that. This is not a typographical error. In 2011, Congressman MULVANEY voted for the immediate withdrawal of all U.S. troops from Afghanistan. Congressman MULVANEY voting to abandon our commitment to rebuild our military. I will continue to stand on principle as this body considers a budget resolution for the coming fiscal year and Defense authorization bill and a Defense appropriations bill, and I will continue to stand on principle in fighting to bring a full repeal of the Budget Control Act’s discretionary spending caps to the floor of the Senate.

For 6 years now, Washington dysfunction has imposed very real consequences on the thousands of Americans serving in uniform and sacrificing on our behalf all around the Nation and the world.

From Afghanistan to Iraq and Syria, to the heart of Europe, to the seas of Asia, our troops are doing everything we ask of them. It is time for all of us to support them. So long as I serve as chairman of the Armed Services Committee, it is my pledge to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF NEIL Gorsuch

Mr. HATCH. Mr. President, 2 weeks ago, President Trump nominated Tenth Circuit judge Neil Gorsuch of Colorado to fill the vacancy left by the death of Supreme Court Justice Antonin Scalia. In my opinion, Judge Gorsuch is the ideal choice to fill this seat. He has impeccable credentials and a decade-long record on the bench demonstrating a keen understanding of the proper role of a judge.

Given the increasingly contentious nature of the confirmation process, it is not surprising that many of my colleagues on the other side of the aisle and their special interest group allies are stretching to find anything objectionable about Judge Gorsuch, no matter how ridiculous.

Today, I wish to address one of their latest, most outlandish claims: that Judge Gorsuch would not serve as an independent check on the executive branch. For example, last week in POLITICO, Senator SCHUMER, the distinguished Senator from New York, declared in an opinion piece: “The most important factor in assessing a Supreme Court nominee . . . is whether or not the potential justice will be an independent check on an executive who may act outside our nation’s laws and the Constitution.” Senator SCHUMER doubled down on these comments in the New York Times. There, he argued that it is his responsibility to discern Judge Gorsuch’s judicial independence when they met in person.

Why? Because Judge Gorsuch refused to say how he would rule on specific issues or how he would review particular government actions. These misleading narratives are an irrelevant, wasteful distraction from our consideration of Judge Gorsuch’s sterling record and the merits of confirming him to the Supreme Court.

Last month, I warned that the left would use these diversion tactics in an attempt to discredit the President’s nominee. Shortly before Judge Gorsuch’s nomination was announced, I predicted in an opinion piece in the Washington Post that advocates and interest groups would want to know how the nominee would decide particular cases before those cases ever reached the Court to make sure the nominee is on the right team. I was right.

Our Nation’s Founders would have been embarrassed by such questions. Instead, the questions we ask should focus on whether the nominee will interpret and apply the law faithfully and neutrally no matter what issue is. After all, that is what our Constitution demands.

Our Founders are not the only ones who would be embarrassed. I have been in the Senate for the last dozen Supreme Court confirmations. Every nominee we have considered has right- ly refused to answer such questions. Consider, for example, Justice Ginsburg’s response at her confirmation hearing. She said:

What you want is for us to tell you how as a judicial nominee we’re going to rule on the important issues you find vexing. . . . Any prospective judge who comes in with an agenda that would permit that judge to tell you how they would vote is the kind of person you don’t want as a judge.

So let’s stop with this nonsense of trying to get Judge Gorsuch to prejudge issues that could come before the Court. I hope my colleagues appreciate the irony in asking a judge to say how they would rule on particular issues in order to prove that the judge is judicially independent.

Judge Sonia Sotomayor: A nominee who will tell you how she would vote is the kind of person you do not want as a judge.

But if judicial independence really is the most important factor, as Senator SCHUMER suggests, then this confirmation process should be the easiest one in the Senate’s history. Over 11 years on the Tenth Circuit, Judge Gorsuch has consistently demonstrated in his judicial opinions and other writings that he deeply values the constitu- tional separation of powers between the three branches of the Federal Government. Judge Gorsuch understands that the Constitution gives each branch distinct roles: Congress makes the laws, the President enforces those laws, and the courts interpret those laws and the Constitution. The branches may act only according to the powers the Constitution grants them, with the remaining powers and rights reserved to the States and ultimately to the people.

With respect to the power of the executive branch, Judge Gorsuch has a strong record of reining in actions which violate the Constitution and the
In my 40 years in the Senate, I have reviewed the record of hundreds of nominees for the Federal bench. I don’t think I have ever reviewed the record of a nominee who better understands his proper role under the Constitution than Judge Gorsuch. Consider, for example, the essay Judge Gorsuch wrote for the University of Colorado Law Review. In that essay, Judge Gorsuch eloquently explained how judges should not be in the business of declaring what the law should be. He explained, “we might be better off applying the plain terms of [the statute], it is not our role to interpret the law as we might wish it to be in light of our own political views or policy preferences.”

Judge Gorsuch understands, to borrow from Alexander Hamilton, that the judiciary should be the least dangerous branch. He recognizes, as constitutional law requires, that judges are not to be the arbiters of policy preferences. Instead, judges should interpret the law as written. They must start with the text of the statute and utilize the traditional tools of statutory interpretations to discern the meaning of any particular law.

In an essay I published last week on SCOTUSblog, I reviewed a number of judicial opinions by Judge Gorsuch that demonstrate his commitment to the separation of powers and the proper role of a judge in our Federal system. I will not go through all of those cases here, but I ask unanimous consent that the essay be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From SCOTUSblog]

WORRIED ABOUT THE SEPARATION OF POWERS?
THEN CONSIDER JUDGE GORSUCH
(By Senator Orrin Hatch)

Last week, President Donald Trump nominated Judge Neil Gorsuch to replace Justice Antonin Scalia on the U.S. Supreme Court. Judge Gorsuch sits in the very fill of his seat. He has impeccable credentials and a decade-long record on the bench demonstrating a keen understanding of the proper role of the court. But there is a seemingly contentious nature of the confirmation process, it is no surprise that many Democrats are stretching to find anything objectionable about Judge Gorsuch, no matter how ridiculous.

In the current political environment, they have focused much of their criticism on his decision in United States v. McQuillen, in which he wrote a majority opinion, he went one step further and concluded that such action exceeded the executive’s power to enforce the law.

In a separate opinion, he noted that there is an elephant in the room: the so-called Chevron doctrine, which requires courts to defer to Federal agency interpretations of the law we pass. He expressed constitutional concerns about Chevron deference. Judge Gorsuch wrote:

[The fact is Chevron . . . permit[s] executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution’s separation of powers.]

Maybe the time has come to face the behemoth.

Judge Gorsuch then proceeded to provide a textbook explanation of the proper separation of powers under our Constitution. He stated, “Federal judges included a strong separation of powers in the Constitution because “[a] government of diffused powers, they knew, is a government less capable of invading the liberties of the people.”

As my colleagues know, I am no fan of Chevron deference. Last Congress, I introduced the Separation of Powers Restoration Act to get rid of it. As I noted when I introduced the legislation, regulators have taken advantage of the courts’ deference under Chevron to shoehorn the law for their own political agenda, expanding their authority well beyond congressional intent. But the Constitution’s separation of powers makes clear that it is the responsibility of the courts, not the bureaucracy, to interpret the law. So I am pleased Judge Gorsuch understands that the Constitution requires Federal judges to serve as an independent check on how Federal agencies interpret the laws we enact.

Separation of powers is not just about ensuring that the executive branch performs its proper role of executing the law; separation of powers is also about making sure Federal judges understand their proper role under the Constitution. Chief Justice Justice will famously be explained in Marbury v. Madison, judges have a constitutional duty to say what the law is. Simply put, judges must be faithful interpreters of our laws and the Constitution.

Under our constitutional separation of powers, it is not the role of Federal judges to make or change laws by imposing their own policy preferences. It is not their role to look beyond the law to consider their personal views and feelings. It is not their role to choose winners and losers based on subjective beliefs that favor one group over another.

In Gutierrez-Brizuela v. Lynch, the Attorney General had attempted to apply a new agency rule retroactively to prohibit a noncitizen from receiving relief under federal immigration law. Writing for the U.S. Court of Appeals for the 10th Circuit, Judge Gorsuch concluded that such action exceeded the executive’s power to enforce the law. In a separate opinion, he agreed with Judge Gorsuch and expressed concerns about how judge-made doctrines that require judicial deference to federal agency actions—namely, Chevron and its progeny—“permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution’s framers’ design.” Judge Gorsuch then proceeded to provide a textbook explanation of the proper separation of powers between the three branches, concluding that “[i]t was to avoid dangers like these, dangers the founders had studied and seen realized in their own time, that they pursued the separation of powers. A government of diffused powers, they knew, is a government less capable of invading the liberties of the people.”

Nor is Judge Gorsuch a supporter of federal judges who go beyond their constitutional role of interpreting the law. Judge Gorsuch has eloquently explained, “judges should be in the business of declaring what the law is using the traditional tools of interpretation, rather than the law as they might wish it to be in light of their own political views, always with an eye on the outcome, and engaged perhaps in some Benthamite calculation of pleasures and pains along the way.” It is not judges’ role to make or change laws by imposing their own policy preferences instead of what Congress actually passed. It is not their role to look beyond the text of the law to consider their personal views and feelings. And it is not their role to choose winners and losers based on subjective beliefs that favor one group over another. Judge Gorsuch’s opinions reinforce his judicial philosophy of restraint and humility and his proper understanding—to borrow from Alexander Hamilton—that the judiciary should be the “least dangerous” branch.

Consider, for example, United States v. Graham. There, the 10th Circuit upheld a conviction for possession of a firearm by a felon. The criminal defendant argued that he was unaware that he was a convicted felon, but it was ascertainable foreclosed by the court’s prior precedent. Judge Gorsuch penned a separate opinion. He agreed that the court was bound by its own precedent, but he wrote separately to urge the court to reconsider its precedent in light of the plain text of the statute that requires the government to prove the defendant knew he was a convicted felon. As Judge Gorsuch explained, “we might be better off applying the law Congress wrote than the one [the government] hypothesized, his role as a judge, how the law as it is written, plain in its terms, straightforward in its application.” He continued: “Of course, if Congress wishes to revise the plain terms of [the statute], it is free to do so anytime. But there is simply no right or reason for this court to be in that business.”

Finally, a judge is asked to consider the proper separation of powers between all three branches. For instance, in Hobby Lobby Stores, Inc. v. Sebelius, the 10th Circuit considered whether actions issued by the U.S. Department of Health and Human Services under the Patient Protection and Affordable Care Act violated the plaintiffs’ right under the Freedom of Conscience Freedom Restoration Act. In particular, the plaintiffs argued that the regulations’ health
insurance mandate for employers violated RFRA's statutory protections on religious freedom by forcing employers to provide health insurance coverage for abortion-inducing drugs and devices. Judge Gorsuch's opinion explained why the owners of one of the plaintiff companies were entitled to relief under RFRA. As an initial matter, he noted that RFRA's "religious objections are contestable" and that "[s]ome may even find [their] beliefs offensive," but that RFRA "does perhaps its most important work in protecting unpopular religious beliefs."

Judge Gorsuch then turned to the statutory interpretation question at issue and noted that RFRA says they need not. We are asked to decide which legislative direction controls." To decide which statute controlled, he did not defer to the executive branch's position on the matter. Nor did he seek to impose his own policy preferences. To the contrary, he noted that "[t]he tiebreaker is not found in our own opinions about good policy but in the laws Congress enacted." Because "Congress structured RFRA to side with federal employees, including its own statutes, if and when they encroach on religious liberty," and "because the government identifies no explicit statutory sanction for the ACA to satisfy RFRA's objection to the mandate," Judge Gorsuch concluded, RFRA's directive prevailed.

Even a casual review of Judge Gorsuch's opinions should eliminate any concerns my Senate colleagues may have concerning his commitment to the Constitution's separation of powers. In his opinions, Judge Gorsuch has resisted executive branch efforts to make laws as opposed to merely enforcing those laws. Judge Gorsuch's opinions and other writings make the compelling case for separation of powers in a way that finds few rivals on the current Federal bench.

If my colleagues are truly concerned about the proper separation of powers between the three branches of government, there is a simple solution: Confirm Judge Gorsuch as an Associate Justice on the United States Supreme Court.

REPEALING AND REPLACING OBAMACARE

Mr. President, I want to once again discuss the ongoing effort to repeal and replace the so-called Affordable Care Act. This is one of our most vexing issues of the day. Of course, this isn't the first time I have come to the floor to discuss ObamaCare, and I am fairly certain it won't be the last.

I was reminded, in fact, talking about the general unanimity among Republicans on these issues, despite the seemingly eternal focus on the supposed divisions among our ranks. While some are still advancing that narrative, Republicans are, overall, still united in our desire to repeal and replace ObamaCare. As I said last week, I don't know if there is a single Republican in Congress who supports keeping the healthcare status quo in place. All of us want to right that wrong with the poorly named Affordable Care Act and provide patients and consumers with more healthcare choices that address healthcare costs.

Most differences of opinion that do exist concern the more about timing than anything else. As I have said before, I support moving quickly to repeal ObamaCare and include as many replacement policies as possible under the rules of the reconciliation process. More specifically, I support repealing ObamaCare's harmful taxes, and I will explain why.

Put simply, the tax provisions in ObamaCare were poorly conceived and recklessly enacted, and they are harmful to our economy in a number of ways. First, ObamaCare's taxes came in a number of forms, including the employer mandate and the individual mandate, both of which are enforced through the Tax Code.

In addition, there is the health insurance tax, the Cadillac tax, along with new taxes on healthcare savings and pharmaceuticals. ObamaCare also included a payroll tax hike for some high-income earners as well as additional taxes on investing. And, of course, you cannot forget the medical device tax. In the first 3 years that ObamaCare was implemented, resulted in more than 30,000 lost jobs in that important industry.

All told, the tax provisions of the Affordable Care Act represented a trillion-dollar hit on the U.S. economy in the first 10 years, and the burdens of the vast majority of these taxes are ultimately borne by patients and consumers. As a result, I pushed to repeal these costs, and reduce the larger tax bills, and reduce the number of families who are struggling with the costs of health insurance.

I know some of my colleagues like to plead ignorance on the notion that taxes on a particular industry tend to be passed along to that industry's consumers, but it is a fact that can't be ignored. Taxes on health insurance plans increase premiums for patients. Taxes on drug companies make drugs more expensive, the tax on health insurance sales increase the cost of those devices. It is not a complicated concept; it is the natural byproduct of tax provisions on particular industries.

It is not a complicated concept; it is the natural byproduct of tax provisions on particular industries. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by chance, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.

Don't take my word for it. Let's look at one major example. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by chance, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.

Don't take my word for it. Let's look at one major example. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by chance, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.

Don't take my word for it. Let's look at one major example. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by chance, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.

Don't take my word for it. Let's look at one major example. Congress's non-partisan scorekeeper, the Joint Committee on Taxation, indicated that, by chance, the tax on health insurance premiums would be passed along to health insurance policyholders.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator Grassley behind closed doors under threat of increased government intrusion and market regulation. These taxes weren't drafted solely to pay the cost of ObamaCare; they were also part of a strategy to get through Congress for the business community and pitting industries against one another to prevent widespread opposition. As I said, at the end of the day, it is patients and consumers—individuals and families—who have to pay the freight on these types of tax policies.
ratio to $6.7 billion as (1) the covered entity’s net premiums written during the preceding calendar year with respect to health insurance for any United States health risk, bears to (2) the aggregate net premiums written by all covered entities during such preceding calendar year with respect to such health insurance.

ECONOMICS OF INSURANCE EXCISE TAXES

The proposed fee is similar to an excise tax based on the sales price of health insurance contracts. The effective excise tax rate varies from year to year depending upon the aggregate net premiums written. The economic incidence of an excise tax imposed on sale of health insurance contracts (that is, who actually bears the cost of the tax) may be anything from statutory incidence of the tax (that is, the person on whom the tax is levied). Taxes may be borne by any of the following: consumers in the form of higher premiums; owners of firms in the form of lower profits; employees in the form of lower wages; or other suppliers in the form of lower payments.

In the case of competitive markets, an excise tax tends to raise consumer prices in the long term. An excise tax increases the cost of producing an additional unit, or incremental cost, of the taxed good by the amount of the tax. In a competitive market, market forces cause the after-tax price of a good to equal the additional cost of producing and selling another unit of the good. Competition drives the price down to equal the incremental cost of the provision of the good or service, including the return to the resources required. If supply is perfectly responsive to price changes, any price above incremental cost would induce new firms to enter and increase production until prices fall down to incremental cost. Similarly, any price below incremental cost would induce firms to exit or reduce production (because they would now be losing money selling the taxed good). The reduction in supply allows prices to increase back up to incremental cost.

This response may be observed even if some of the participants in the competitive market do not seek to maximize profits as their primary objective. Tax-exempt and nonprofit organizations also pass on the tax as they also face the increased incremental cost, which they will need to recover. If they cannot, for example, raise additional funds from donors, they may pass through the tax to them, their alternative is to pass on the tax to consumers in the form of higher prices.

While consumers are thought to bear the burden of excise taxes in competitive markets, some may question the degree of competition in health insurance markets. Recent surveys suggest that many markets are characterized by the presence of only a few firms. Additionally, there may exist barriers to entry in the health insurance market, including regulatory requirements, the cost of establishing health provider networks, health provider network effects (i.e., the value of a health provider network to consumers rises with the size of the network), and efficiencies in risk shifting and risk distribution for large firms.

However, absence of perfect competition does not by itself imply that there is no competitive pressure on prices. The threat of potential entrants may provide competitive pressure on firms. Furthermore, the option to self-insure may provide a source of potential competition for full, purchased insurance, at least for larger firms.

If the insurance industry is not perfectly competitive in a particular market, the question remains as to what extent an insurance excise tax would be borne by consumers or producers. For producers (or firms), a theoretical analysis has shown that, depending upon market conditions, the price could increase by: (1) more than the amount of the tax; (2) exactly the amount of the tax; or (3) less than the amount of the tax. Various empirical studies have examined the effect of excise taxes on prices in less than perfectly competitive markets. Studies of the tobacco industry suggest that manufacturers pass on more than the full amount of the tax, while studies of less than perfectly competitive retail gasoline markets in which several providers of gasoline for many miles and firms exhibit some pricing power, nearly 95 percent of the excise tax is still passed on to consumers. While uncertainty exists, we assume that a very large portion of the excise tax on purchased insurance will be borne by consumers in most markets, including in some markets with a high level of competition among market participants covered by the proposed excise tax. In the context of general health care reform legislation, this assumption is further supported by the essential benefits coverage, which is likely to be a measure for insurance somewhat less sensitive to changes in price, as consumers will have to buy insurance or face a penalty. While consumers (or employers) may respond by changing their insurance coverage from more expensive coverage to less expensive plans to offset any potential price increase, this behavior too is properly characterized as the consumers bearing the burden of the excise tax by essentialization (for example, a more restricted physician network) for the same price rather than paying a higher price for the quality of insurance that they would have otherwise bought. To the extent that firms can avoid the tax by switching from full insurance to self-insurance, this may suggest that insurers are unable to pass on the full cost of the excise tax on purchased insurance. Increased self-insurance from firms avoiding the excise tax may increase the cost of this health benefit to employers who are already self-insured. From this analysis, we impute values or statistically match supplemental information such as data gathered by the Census Bureau, to the individual tax return. Our more limited analysis of employer-provided health benefits has made such imputations of data relating to employees’ employer-provided health benefits impossible. These imputations are based on the data collected as part the Medical Expenditure Panel Survey ("MEPS"), a survey undertaken by the Agency for Healthcare Research and Quality of the Department of Health and Human Services. However, the imputations have been made to the individual tax model at this time. For example, we relate only to the employee’s tax return, which applies only to purchased health insurance.

I hope this information is helpful to you. Please contact me if we can be of further assistance.

Sincerely,

THOMAS A. BARTHOULD.

Mr. HATCH. While we are setting the record straight on ObamaCare, my colleagues on the other side have repeated a particular false claim that needs correction. My Democrat friends are fond of characterizing the repeal of ObamaCare as a tax cut for high-income earners and a tax increase for low-income taxpayers. That claim is simply false.

According to JCT, the Joint Committee on Taxation, the Affordable Care Act imposed significant and widespread tax increases on taxpayers earning less than $200,000 a year, despite President Obama’s repeated promises that the law would not do so. In fact, in 2017, a single provision—the reduction in the deductibility of catastrophic losses—is projected to raise taxes on 13.8 million taxpayers in middle class. That is more than the number of taxpayers who receive exchange credits and other premium subsidies under

S1193

February 15, 2017

CONGRESSIONAL RECORD — SENATE

THOMAS A. BARTHOULD.
current law. That is just one example. There are others.

Fortunately, we have been able to forestall the impact of a number of the ObamaCare tax provisions. We have fought and negotiated long and hard to do so, but virtually all of those taxes are still looming on the ObamaCare horizon.

Most of us on the Republican side have been fighting these taxes more or less since the day ObamaCare was signed into law. We have highlighted their harmful impact on the economy and decried the crony capitalism that was behind the effort to draft and enact them.

Given this long history, at least in my view, it is essential that we repeal all of these taxes, along with the rest of ObamaCare. It is difficult to imagine how Republicans, who are now in the majority in large part due to the promises we made to repeal and replace the Affordable Care Act, can now sit through ObamaCare's taxes and argue that which ones are the least objectionable so that we can use them to pay for our own healthcare reforms.

ObamaCare isn't problematic simply because healthcare costs are not going up; it is not even the taxes at the outset. The way the law was drafted was, and still is, a problem. The way the law was negotiated—with stakeholders being played against each other—was, and still is, a problem. Of course, the way the law was paid for, and still is, a problem. The ObamaCare taxes are a big part of this equation. In my view—and, I think, the view of the vast majority of my Republican colleagues—they have to go.

As I said, there really are not widespread disagreements among Republicans on these issues. Overall, we broadly agree on the fundamental issues surrounding ObamaCare, and, as I noted last week, it is not all that problematic to have some differences of opinion on the initial stage, so long as we can overcome those differences in the end. I think we can do that. More importantly, I think we will.

Mr. President, I yield the floor.

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

Mr. DURBIN. Mr. President, pending before the U.S. Senate is the nomination of MICK MULVANEY, a Congressman who is seeking to be the Director of the Office of Management and Budget. If you were to ask the people of America about the Cabinet positions filled by the President, the one they probably would miss is the Office of Management and Budget. It turns out to be one of the more important positions, but it is not as well known historically as Treasury Secretary, Secretary of State, and Attorney General. It is an important job. It is one of the most consequential jobs because the Director of the Office of Management and Budget is responsible for preparing the President's budget, setting the priorities of the Federal budget, and overseeing the performance of Federal agencies. It is a big and challenging job.

Many other nominees for positions in the Cabinet are well known and have been debated on the floor of the Senate. Today I come to say a few words about the record of Congressman MICK MULVANEY, who is seeking this directorship of the Office of Management and Budget. It is a very interesting record.

It is not unusual for Members of the House to take unusual positions on issues. I guess each one of us has something we believe intensely that other people question. When it comes to Congressman MULVANEY, there is a long litany of positions he has taken that are far out of the mainstream of either political party. Yet President Donald Trump decided this is the man, this is the person he wanted to head up his budgeting effort. This is the person he wants to set the priorities for spending in the United States of America.

If you look at the record of MICK MULVANEY, you will find that he has had an eagerness to dictate large and draconian cuts across the Federal Government in some of our most important programs. Let me tell you about a few that highlight his record in Congress. Each one of these that I will speak to, if advanced by the Director of the Office of Management and Budget, would have far-reaching consequences on families and individuals across the United States, not only in the operation of government but also in the effectiveness of our Federal workforce.

To start with—and this, I think, is the right place to start—Congressman MULVANEY, who seeks the position of Director of the Office of Management and Budget, has repeatedly led efforts to shut down the Federal Government. When Mr. MULVANEY and the Republican-controlled U.S. House shut down the Federal government for 16 days in 2013, it cost the American economy $20 billion. Do you remember that?

Rush Limbaugh got on his radio show and said: If they shut down the government, no one will even notice. Guess what, Mr. Limbaugh. They noticed.

All across America, working families paid the price for that foolish political act of shutting down the government. The real cost is in hardships unnecessarily created, hardships for Federal employees who didn't receive their checks on a timely basis, hardships for people struggling to survive in America who relied on programs like food stamps. We call them SNAP benefits now. They had their food in jeopardy and endangered because Congressman MULVANEY and his friends thought that a display of political power—shutting down the government—was the right recipe for America.

These government shutdowns delayed 2 million Federal workers from receiving their checks, real people with real families to feed. Congressman MULVANEY doesn't seem to care about these real-world consequences of a shutdown. Instead, he called the shutdown of the Federal Government "good policy." Those are his words: "good policy." Then, when we finally reached an agreement to reopen the government, he was one of the few Members of the House to vote against the compromise in reopening the government.

In recent years, he has repeated his calls. He is willing to shut down the government of the United States of America to defund Planned Parenthood. This man wants to craft our national budget, and he would shut down the government over one provision in that budget? That is what he said.

Time and again, he has taken extreme positions on the Federal budget. We have a standing tradition in the House and the Senate. Since not one of those proposals that when the next natural disaster is going to occur, we try to help another one. I have voted for funds during the course of my congressional career for disasters in probably every State in the Union. But I knew the day would come—and it did, several times during my tenure in the House and Senate—when there would be a natural disaster in my State, and we needed a helping hand, emergency disaster assistance. That tradition, which has been around Congress—I can go back almost centuries to see it in past history.

Listen to what Congressman MULVANEY did. He tried to block emergency disaster assistance to States that desperately needed the help of the Federal Government in their recovery efforts. He offered a poison pill amendment to the Hurricane Sandy relief package that would have required across-the-board cuts in military spending—military spending—to pay for disaster relief from Hurricane Sandy. Then he went further and said: Not just military spending, I want cuts in entitlement programs—Medicare, Medicaid. Let's cut the healthcare assistance for Americans to pay for that disaster. That is his idea of social justice.

Despite President Trump's campaign promises to rebuild the Nation's crumbling infrastructure, Congressman MICK MULVANEY has taken an extraordinary and extreme view. He wants to eliminate Federal funding for transportation projects. He cosponsored a bill that would slash the Federal gas tax. That is how we pay for repairing Federal roads and mass transit across America. He isn't interested in fixing the highway trust fund solvency problems. His solution is to bankrupt it.

This is the man who wants to write the budget for America? His extreme ideology would threaten billions of dollars that my State receives in Federal transportation funds. We put money into the Federal highway trust fund,
too, every time we buy a gallon of gas in Illinois. He would cut back on the resources coming back to my State and others to repair the very roads we drive on.

He has consistently supported across-the-board cuts for the Department of Defense, regardless of those affected. Just a few minutes ago, Senator JOHN MCCAIN, the senior Senator from Arizona, came to the floor to announce that because of Congressman MULVANEY’s opposition on cuts in the military, he—Senator MCCAIN—would oppose the appointment of MULVANEY as head of OMB. Senator MCCAIN said that it is a rare day when he comes out against a Presidential nominee of his own party. But he thinks MULVANEY’s record is worrisome, and I couldn’t agree more. The positions that Congressman MULVANEY has taken are reckless and would jeopardize the economic security of working families and put our Nation and economy at risk.

Perhaps the most troubling positions that Congressman MULVANEY has taken is the fact that he is opposed to the Federal Government spending funds for medical research. Last year when Congress was deliberating how to combine Federal medical research, Representative MULVANEY wrote this on his Facebook page: “Do we really need government-funded research at all?”

Let’s think about that for a moment. Do we really need government-funded medical research? Do we need the National Institutes of Health, the Department of Defense, and the Veterans Administration investing in trying to find new cures for diseases?

Government-funded research in the Department of Defense has produced fascinating insights into the biology of breast cancer that have greatly impacted the treatment of that disease and saved lives in America. Look at the revolutionary Department of Defense-funded work that led to the development of the innovative drug Herceptin. Government-funded research, which Congressman MULVANEY does not believe we should do, at the National Institutes of Health has accomplished the following. It has cut the U.S. cancer death rate by 11 percent in women and 19 percent in men. And Congressman MULVANEY says: Do we really need to do that? Is that important? Is that like every family in America, has a story to tell about cancer—what it has meant, the devastation it has created, the deaths that have resulted.

But Congressman MULVANEY doesn’t get it. He just doesn’t understand anything as basic as investing in medical research to save lives. HIV/AIDS is no longer a death sentence in America. I saw Magic Johnson just a few weeks ago at a farewell party for President Obama. I remember the day in the House Respiratory who told us he had AIDS. We assumed he would die in just a short period of time. But that was over 25 years ago. He has survived because of research that was done at the National Institutes of Health, and he is not alone. There are thousands just like him.

When I was a kid, polio was something every mother and father were afraid of. What was happening? How could your child be infected with polio and end up being crippled for life? Our Republican leader here, MITCH MCCONNELL, went through that in his childhood and has talked about how devastating it was. He has had a full life since then, but he has overcome the problems of that disease. I remember as a kid in grade school, when they announced that our government research had come up with a vaccine that would protect kids from polio. That, to me, was a breakthrough, and one that I welcomed and our family welcomed.

Congressman MULVANEY questions whether or not medical research should continue, even in the light of the revolutionary breakthroughs in eradicating polio and smallpox and other diseases in our country. These advances didn’t just magically happen because of the miracle of the marketplace. They occurred because of sustained taxpayer investment in Federal medical research.

I will tell you this. If he wants to make a referendum in the Senate or the House on medical research a part of his budget debate, I welcome the challenge. I believe that Members of both political parties would stand up for medical research, despite Congressman MULVANEY’s extreme positions.

So when someone asks if we really need government-funded medical research, the answer on behalf of cancer patients who are beating the disease, on behalf of HIV/AIDS patients who are living longer and normal lives, on behalf of all those families hoping and praying that some Federal researcher will come up with a breakthrough for Alzheimer’s, or Parkinson’s disease, or diabetes—the answer, Congressman MULVANEY, is unequivocally, yes, America needs to invest in medical research. And the fact that you would question it really raises the question of your judgment.

Let me tell you another thing that he is for, which I think is the single most irresponsible budgetary position he has taken. He has been an opponent of raising the country’s debt ceiling.

Well, 3 more years at work may not mean much to a Member of Congress, but it means a lot to the contractor, State governments, and to the bondholders of the United States, here and overseas.

We would lose our credibility if Mr. MULVANEY had his way and allowed us to default on our national debt. We should not ever consider confirming an OMB Director who has repeatedly risked the economic security of our Nation to score political, rhetorical points.

Throughout his campaign, President Trump promised to protect Medicare and Social Security and make decisions that would “benefit American workers and American families.” That is a quote. However, instead of making good on his promise, President Trump has chosen a man to head the Office of Management and Budget who has led calls for devastating cuts to Federal programs that millions of Americans rely on every day.

Mr. MULVANEY has said he wants to “end Medicare as we know it,” and he has called Social Security a “Ponzi scheme.” He has called for raising the retirement age for Social Security to 70, from the 67 that it currently is. We have more years at work may not mean much to a Member of Congress, because we sit down a lot in these comfortable chairs and people bring us things when we need them. But 3 more years of working before you qualify for Social Security means something to a waitress, whose hips and ankles and knees have been bothering her for years, but she has no choice but to get up every morning, go to work, carry those trays, and try to bring enough money home to help a family. It means much to a Member of Congress, who is running for Congress. Congressman MULVANEY, who now wants to manage our Nation’s budget, pledged he would never ever vote to raise the country’s debt ceiling. He voted against it four different times.

In 2011, when we were just about to breach the debt limit and default on our national debt for the first time in the history of our country, MULVANEY was a leading voice in support of default. He called it a “fabricated crisis,” and accused both parties of “fear mongering.”

I am not sure what is more disturbing—Mr. MULVANEY’s willingness to default on our country’s obligations, the full faith and credit of the United States, or his lack of appreciation for the devastating economic consequences which would follow. I can tell you what is at risk with that kind of reckless attitude toward our Nation’s debt. What is at risk are the savings and investments and retirement accounts of ordinary Americans across the Nation. Mr. MULVANEY may be willing to gamble the full faith and credit of the United States, or his lack of appreciation for the devastating economic consequences which would follow. I can tell you what is at risk with that kind of reckless attitude toward our Nation’s debt. What is at risk are the savings and investments and retirement accounts of ordinary Americans across the Nation. Mr. MULVANEY may be willing to gamble the full faith and credit of the United States, or his lack of appreciation for the devastating economic consequences which would follow. I can tell you what is at risk with that kind of reckless attitude toward our Nation’s debt.
that might come with the job. It means something to a truckdriver, spending days and nights on the road. It means something to people who have to move freight around. It is the kind of thing that means a lot to ordinary working people. It certainly doesn’t mean the same thing to Congressman MULVANEY. Three more years working, as far as he is concerned, is an acceptable alternative.

He wants to privatize Medicare and turn Medicare back into the loving arms of private health insurance companies, and let’s see what seniors end up experiencing. Almost 60 million Americans now rely on Medicare. In Congressman MULVANEY’s point of view, the guarantee of Medicare would end. This is the man President Trump has chosen to head the budget for the United States of America. MULVANEY has called repeatedly for cuts to Social Security, Medicare, and Medicaid, including a “cut, cap, and balance” budget, which would cut each of these programs by 25 percent. When you say the word Medicaid, people have an image in their mind: Oh, that is health insurance for poor people. And that is generally correct, although it also covers disabled students. But does anyone know who the major recipients of Medicaid are in America? The largest single group of people receiving help from Medicaid are children—children in poor, low-income families who might medical care through Medicaid. The biggest expenditure for Medicaid is not medical care, but the payment of working Americans, the health care coverage for 70 million Americans. One out of every five nationwide depend on Medicaid. It helps low-income families, pregnant women, children, and those with disabilities. Currently, if you qualify for Medicaid, you receive coverage to help you get health care. Congresssmen MULVANEY thinks he has a better idea. He wants to change that.

Congressman MULVANEY wants to significantly cut the Federal funding for Medicaid states. The states fend for themselves when it comes to caring for these 70 million Americans. Faced with less Federal funding, States would be forced to find ways to cut spending and save money. They might start Medicaid waiting lists or impose work requirements or slash benefits. At the end of the day, the result would be catastrophic.

I just spent the last weekend in Southern Illinois. We had a roundtable down there to talk about the impact of the Affordable Care Act. These hospital administrators from smalltown hospitals came in to tell me that losing Medicaid reimbursement is going to be a problem. It means they might start to close their facilities and start to move their patients to other hospitals. They are worried. It is the kind of care we want for our mothers and grandmothers—we cannot afford to risk them by appointing OMB Director MICK MULVANEY.

There are real problems facing this Nation. Far too many people are struggling, and there is a lot of work to do. We cannot afford to risk our economic recovery, the retirement plans and savings of working Americans, the health of our children. The kind of care we want for our mothers and grandmothers—cannot afford to risk them by appointing OMB Director MICK MULVANEY.

Mr. President, MICK MULVANEY is a nominee for Director of the Office of Management and Budget. As a champion for the most vulnerable, working Americans who believed President Trump’s campaign promises, and as a champion for the most vulnerable, deserve far better than Congressman MULVANEY.

Mr. President, MICK MULVANEY is a haven for the House Freedom Caucus, which has made repeal of the Affordable Care Act—without a replacement—one of their main causes. This is not about good policy or the real consequences for people around the country. This is about ideology.

Mr. MULVANEY wants to rip health insurance away from nearly 30 million people and deny essential consumer protections they have come to depend upon. He would once again allow insurers to impose pre-existing condition exclusions and discriminate based on gender and cut off coverage when someone gets sick and needs it most.

His answer to fixing our health care system is “free-market competition” and “crackdown on frivolous lawsuits.” Those might make good talking points, but they will not stabilize our insurance market and help people in need. The Illinois Hospital Association estimates that Republican plans to repeal the Affordable Care Act will result in the loss of up to 95,000 jobs in Illinois—in hospitals, doctor’s offices, construction, real estate, and beyond.

Over the last month, I have been going around my State, meeting with hospitals and providers, talking to them about what repeal would mean. They are worried. Illinois hospitals and health systems generate nearly $90 billion in the State and local economies each year, and 1 in 10 jobs in Illinois is in
health care. Hospitals are vitally important to our State’s economy and vitally important to patients in need.

Don’t just take my word for it, Franklin Hospital CEO, Jim Johnson told me. In a rural community, at the time that the hospital in West Frankfort closed, we [Franklin Hospital in Benton] managed to stay open . . . they’ve just eaten up that they could not continue to keep the hospital anymore. It’s incredible what the loss of a hospital can do to a small community. And I’m down there talking to those guys every day because naturally, we lose our hospital but those conversations, it has just torn this community apart.

In Illinois and nationwide, rural hospitals would be particularly hurt by Mr. MULVANEY and Republicans’ prescription for chaos.

In Illinois, 62 of our 102 counties are rural. We have 51 Critical Access Hospitals, which are the hubs of their communities. Rural hospitals typically are more reliant on Medicaid and Medicare, and have tighter operating margins.

So what has the ACA meant for them? In States that expanded Medicaid, rural hospitals have seen greater financial stability thanks to the decrease in uncompensated care—or charity care—costs.

Thanks to the Affordable Care Act, the uninsured rate in rural communities has dropped by nearly 40 percent. This is not only great for those individuals obtaining insurance, it is also great for the rural hospitals who are now getting paid for the health services they provide.

Chairman, Health & Emergency Services CEO Fred Bernstein told me:

You can look at Cairo as the ghost of the future. Because there is not much left that we have to lose . . . We’ve lost the only grocery store, the only drug store in Cairo. If this Affordable Care Act thing isn’t resolved and if we go to block grant in the Medicaid program, they’re not going to be able to stay open. At least 72–74 percent of my patients depend upon Medicaid . . . Without the expansions of Medicare, we’ve already seen, and without some of the subsidies that those who can get some insurance will get to keep that insurance, there’s not going to be the ability to afford any care for most of the people we serve.

Since 2009, the number of rural hospitals in Illinois operating in the red has decreased by 46 percent. Put another way, 16 rural hospitals in Illinois are more or less solid financial footing thanks to the ACA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

TAX REFORM

Mr. COTTON. Mr. President, our Tax Code is a mess. No one voted for it, no one wants it, and no one likes it. I have said many times we should eliminate all of the special interest loopholes in the code and use those money cut taxes for everyone, including American businesses. We want to encourage them to invest, grow, and create more jobs right here in America.

I know my colleagues are working on a tax bill, and I want to stress how much I support their efforts. I will, of course, withhold judgment on any proposal until I see the final text, but I also want to say today, I have reservations about the Tax Code is being considered. It is called a border adjustment tax. It sounds like something from Orwell’s Newspeak.

Here is how it would work. We would cut taxes for corporations. To make up for the lost revenue, we would tax imports whenever they bought something from another country. For instance, every time Ford bought an auto part from Canada, it would pay a 20-percent tax or every time your local grocery store bought bananas from Guatemala, it would pay a 20-percent tax. Whatever money businesses made from selling their products in other countries would be exempt. In other words, what all this would amount to is a 20-percent tax on imports. The proposals means that we would stop businesses from leaving our country because right now some are moving overseas to avoid paying our corporate tax rate, which is the highest in the modern industrial world. Under this proposal, if a company ever where where you put your headquarters, you would be taxed according to what you bought, not where you put down your stake.

The hope is, this arrangement would mean more headquarters, more factories, and the jobs that come with them staying right here in America, which of course is a desirable goal, no doubt, but I am not at all convinced this is the best way to do it. Consider this. It is estimated that this one change alone would produce something like $100 billion a year in additional tax revenue. That is a lot of money, and someone has to pay for it. I will tell you exactly who is going to pay: working Americans who have been working hard. Trump says no. Trump says, imports is a tax on working folks buy every single day. I am not talking about caviar and champagne. I am talking about T-shirts, jeans, shoes, baby clothes, toys, and groceries.

I have heard from thousands of Arkansans who are already struggling just to get by. Why would we make the stuff they get at Walmart more expensive? Its defenders say the tax will not increase the cost of imports. That will happen because I can get cheaper because we no longer tax them so then more people overseas will buy our exports from us, which means the dollar itself will increase in value. That means imports will not be expensive because you will be able to buy them with a stronger dollar. So even with the tax added on, you will still come out right where you were before.

This logic reminds me of Orwell again: Some ideas are so stupid only an economist can think of a border adjustment tax. Whatever money businesses made from selling their products in other countries would be exempt. In other words, what all this would amount to is a 20-percent tax on imports. The proposals means that we would stop businesses from leaving our country because right now some are moving overseas to avoid paying our corporate tax rate, which is the highest in the modern industrial world. Under this proposal, if a company ever where where you put your headquarters, you would be taxed according to what you bought, not where you put down your stake.

The hope is, this arrangement would mean more headquarters, more factories, and the jobs that come with them staying right here in America, which of course is a desirable goal, no doubt, but I am not at all convinced this is the best way to do it. Consider this. It is estimated that this one change alone would produce something like $100 billion a year in additional tax revenue. That is a lot of money, and someone has to pay for it. I will tell you exactly who is going to pay: working Americans who have been working hard. Trump says no. Trump says, imports is a tax on working folks buy every single day. I am not talking about caviar and champagne. I am talking about T-shirts, jeans, shoes, baby clothes, toys, and groceries.

We have to take a hard look at this proposal right now. Therefore, while I support fundamental tax reform and commit to reserve judgment on any single proposal until final, I want to put on the record my serious concerns about a border adjustment tax.

Many other Senators share those concerns. We most certainly will not keep our powder dry and see working Americans who have been working hard. Trump says no. Trump says, imports is a tax on working folks buy every single day. I am not talking about caviar and champagne. I am talking about T-shirts, jeans, shoes, baby clothes, toys, and groceries.

For those of you keeping score at home, that is the longest delay in recent history. Every one of the last six Presidents had their budget director confirmed by a week’s time—as in 7 days. In other words, what we are seeing is a deliberate act of obstruction. Here is the real problem. We have serious work to do. It is that much more difficult for the President to do his job when all he has is a headless horseman bureaucracy.

Century Democrats might consider this payback. They might consider it their reward for the 2020 Presidential primary, but the American people are the ones paying the price for this obstruction.

I want to say again, this is not a game. This is not a protest. This is our jobs. This is what the American people sent us to do. It is time we got down to business. That, in spirit, I want to say a few words in support of the President’s
MULVANEY. I don’t have to cite or re-cite MICK’s biography for many of you. He has been representing the good people of South Carolina’s Fifth District in the House of Representatives for more than 14 years now. Before that, he led an impressive career as what he called a serial entrepreneur, starting four different businesses. I hear some of them may have even succeeded.

He fields as diverse as law, real estate, homebuilding, and restaurants. He is highly educated and very accomplished. I would like to point out, he is a friend of mine, a trusted confidant, someone whose advice and counsel I have often sought.

I can say with confidence, he will serve President Trump and the American people with dedication and distinction. I believe MICK will bring a needed voice to the President’s Cabinet, a voice for fiscal responsibility after so many years of irresponsible sky-is-the-limit spending.

All that experience in the real economy gives him something more than a lengthy resume. He knows from personal experience what it takes to create job opportunities out of almost nothing. He knows the self-discipline it takes, the hard work, the perseverance. He knows what Americans have to go through every day just to earn an honest dollar. That is why he has become protective of every taxpayer dollar ever put in his care. That is the kind of man we need as our next OMB Director.

It is only when Washington appreciates what goes into making all of those taxpayer dollars that it will show the taxpayers the respect they deserve. I want to express my strong support for the next Director of the Office of Management and Budget, my friend, MICK MULVANEY.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, unfortunately I don’t share the enthusiasm of my colleague from Arkansas for MICK MULVANEY to serve as the Director of the Office of Management and Budget. In fact, I have great concerns about this nominee’s views on a whole range of issues.

Because those views are far outside the mainstream of this country, I intend to vote against his confirmation. First and foremost, I am concerned about MICK MULVANEY’s repeated votes against raising the debt ceiling and his reckless willingness to shut down the government in order to advance his extreme views.

It is Representative MULVANEY’s longstanding position that failure to raise the debt ceiling would not precipitate a crisis. He said: ‘‘I have yet to meet someone who can articulate the negative consequences.’’ Well, let me articulate the consequences in very simple terms. If we refuse to raise the debt ceiling, we would default on the national debt, destroy the credit worthiness of the U.S. Government, and trigger a global financial crisis.

As the Governor of New Hampshire, I worked very hard with our State treasurer and with the legislature, through very dark and alarming fiscal times, to maintain New Hampshire’s AAA S&P bond rating. We did that because we knew that lowering the State’s bond rating would mean an increase in costs for businesses trying to borrow money, for the government trying to borrow money for taxpayer because they would have to pay those increased costs, and it would have a ripple effect across the economy that would have a real impact on the people of New Hampshire.

Representative MULVANEY does not seem to appreciate what would happen if the Federal Government defaulted on our debt. He has argued that the Treasury Secretary could avoid such a crisis by prioritizing interest payments; in other words, paying foreign holders of the U.S. debt but not Social Security beneficiaries or the men and women of our Armed Forces, but there is no legal authority to do this. It is impractical, and recent Treasury Secretaries have denounced the idea. We got a foretaste of the consequences of default in 2011, when Representative MULVANEY and others blocked legislation to raise the debt ceiling, a crisis that took nearly 3 months to resolve.

That unbridled crisis shook financial markets, caused a spike in interest rates on U.S. securities, and it lead Standard and Poor’s to take away America’s AAA credit rating, and it cost $18.9 billion. Who does MICK MULVANEY think paid those $18.9 billion? It was the people of this country.

Representative MULVANEY has repeatedly threatened to shut down the Federal Government.

He helped lead the charge in shutting down government in October of 2013 in a failed and misguided attempt to repeal the Affordable Care Act. In 2015, he threatened to shut down the government again in order to defund Planned Parenthood. Both of those programs are critically important to the people of New Hampshire. Nearly 1 out of 10 Granite Staters have health insurance thanks to the Affordable Care Act. Planned Parenthood provides accessible, affordable healthcare to women all across the State of New Hampshire, who often times could not get their healthcare any other way.

As Senator DURBIN pointed out earlier, 97 percent of the services provided by Planned Parenthood are services that have nothing to do with abortion; they have to do with access to mammograms, to cancer screenings, to STD testing, the whole range of healthcare services that women need.

Unfortunately, the 16-day shutdown in 2013 created 100,000 across the country, leading to the loss of an estimated 120,000 jobs. Millions of small businesses faced significant disruptions, many employees were laid off, and some businesses could not make payroll. But Representative MULVANEY is unperturbed. He insists that the shutdown was worth it. Well, tell that to some of the businesses in New Hampshire that took a huge hit. His brand of government by temper tantrum and brinksmanship is not only irresponsible, and it should not be rewarded with a nomination to be the chief budget officer for the country.

Representative MULVANEY’s disdain for true fiscal conservatism and his unbalanced budget priorities, he also give us pause. He supports budgets that would provide massive tax cuts for corporations, for those at the top, and he would pair those deep budget cuts for the middle class and the most vulnerable people in our society, including seniors and people with disabilities.

Representative MULVANEY advocates for radical cuts to Social Security and to Medicare and Medicaid. He has promised to end Medicare as we know it by turning it over to a voucher program that shifts costs to seniors.

He advocates raising the retirement age to 70 for Social Security and 67 for Medicare. Imagine telling construction workers who have given 40 years of heavy labor that they have to work until age 70 before they can retire with the security of a Social Security check.

He also advocates shifting costs to States by block-granting Medicaid. Essentially what States need to do is give the money to States and allow them to administer those dollars. As a former Governor, I think States can administer those dollars, but when you want to cut as much as $1 trillion from healthcare services, which is what MICK MULVANEY wants to do, then you can administer them as well as possible, but you are still not going to be able to make up to the seniors and to disabled Americans and others in nursing homes for the cuts that are going to come when you block-grant those dollars to States.

Unfortunately, that is not the end of his extreme budget ideas. He advocates taking a meat-ax to the whole range of programs that bolster the middle class, everything from cancer research, to Pell grants, to healthcare.

Representative MULVANEY has even questioned the appropriateness of Federal funding for scientific research. In a Facebook post last year, he wrote, ‘‘Federal funding for research results in excessive and wasteful spending. I applaud President Trump for his commitment to work with Congress to reduce the size of the federal government ‘‘ In a Facebook post last year, he wrote, ‘‘Federal funding for research results in excessive and wasteful spending. I applaud President Trump for his commitment to work with Congress to reduce the size of the federal government. I will draft my annual budget to be the head of his budget office, openly doubts that the government should be involved in addressing public
health threats, such as Zika. So how deeply does he plan to cut funding for the Centers for Disease Control, for the National Institutes of Health, for our National Laboratories, and for federally funded extramural research? We don’t know the answer to that, but we can assume from his statements that it is going to be significant.

Federally funded R&D is critical not only to addressing threats to public health but also to developing new technologies to protect our nation’s security and protect the environment. These technologies are essential to growing our economy and maintaining America’s global leadership in technology and biomedical sciences.

In New Hampshire, the most dynamic sector of our economy is high-tech manufacturing and innovation. For our economy to grow, we need to stay ahead of global competition. But that doesn’t happen on its own; it requires sustained investment in basic research—often research that the private sector considers too risky to do on its own.

As ranking member of the Senate Small Business Committee, I have seen this vividly demonstrated by the very successful Small Business Innovation Research Program, or SBIR. SBIR works by harnessing the creativity and ingenuity of America’s small businesses to meet the R&D missions of our Federal agencies, while also supporting the growth of small, high-tech companies that create good jobs in local communities across this country.

One of the things I found is that every dollar awarded by the Air Force to SBIR firms generated $12 in economic growth. That growth happens because small businesses develop technologies and then commercialize those technologies, creating good jobs in each of our States.

Many of these technologies are developed for our Armed Forces to better protect the homeland. A great example of that, which I have seen firsthand, is a company in the Hampton N.H., called Creare. Creare is working with the Navy to develop an innovative clothes dryer that dramatically reduces the risk of fires on submarines, and that is just one example of why the SBIR Program is the envy of the world.

I want to quote Dr. Charles Weissner, who led the National Academy of Sciences study of the SBIR Program. In describing that program, he said: “The only thing this is the greatest thing since sliced bread.”

Well, make no mistake, this successful program is in serious jeopardy if Representative MULVANEY puts Federal R&D investments on the chopping block.

It is truly shocking that the President has nominated a budget director who questions the value of Federal funding for R&D. We need to invest in science. We need to invest in our small businesses, which create two out of every three jobs in this economy.

The OMB Director is one of the most senior economic advisers to the President of the United States, with enormous influence on policy matters.

Representative MULVANEY has been a zealous advocate for radical cuts to Social Security, to Medicaid, to the whole range of programs that support the middle class, to the nation’s military. In addition, his willful failure to pay required Federal taxes has raised serious concerns about his integrity, which we all know is essential for every Cabinet official.

After careful study of his record, I urge my colleagues on both sides of the aisle to come together to reject this nominee. Putting Micck MULVANEY in charge of OMB is not just letting the fox guard the hen house. It is giving him a gun to kill the chickens, a pot to boil those chickens in, and a knife to eviscerate them when they are done.

Let’s give President Trump the opportunity to put forward a qualified candidate with mainstream views to protect the middle class and to honor this Nation’s traditions.

Mr. President, I yield the floor.

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

Mr. JOHNSON. Mr. President, I rise today to speak in opposition to the nomination of Congressmen MULVANEY and ask my colleagues to vote to confirm him as the next Director of the Office of Management and Budget.

It may not surprise folks that I have a markedly different viewpoint than the Senator from New Hampshire. Congressmen MULVANEY wants to save Social Security and Medicare. Congressmen MULVANEY wants to prevent, stop the mortgaging of our children’s future, the bankrupting of America.

One thing on which I do agree with the good Senator from New Hampshire is that we need to concentrate on economic growth. It is the primary component of the solution. But this Nation faces many, many challenges. From the standoff with North Korea, to a look at what is happening around the world, the turmoil in so much of the world. We are in a generational struggle against Islamic terror, against ISIS, al-Qaeda, Iran—that nuclear agreement was horrible. It modified the behavior for the worse. We have just witnessed North Korea test-fire another missile. Combined with their nuclear capability at some point in time—probably not in the too distant future—they will have a nuclear capability. America, China has been emboldened. Russia has become more aggressive. Why? Because in so many instances, these nations perceive America as weaker than we once were, lacking the strength and resolve to provide the leadership, project our values around the world.

With all these threats that America faces, at the same time our military is being hollowed out. We won’t have the resources militarily to fight back if the strike force is too small.

Domestically, we also face many perils, many challenges. ObamaCare didn’t work. The Patient Protection and Affordable Care Act did not protect the patients. It is not affordable. In my State, Wisconsin, premiums on the individual market have doubled and tripled. A young mother working a part-time job so she could stay home with her children had to quit that job to pay a $8,000 per year increase in premiums. Wages have stagnated for years. Our infrastructure is old and in many cases, crumbling. Our borders are porous. We are not winning the War on Drugs because of our porous borders in many respects. Unfortunately, the War on Poverty has also not been won. In many cases, it has created perverse incentives that have trapped generations in a cycle of poverty, and dependency and despair. It has resulted in the national debt rapidly approaching $20 trillion. Again, that is that mortgaging our children’s future that Congressman MULVANEY wants to prevent.

In 30 years, our debt over the next 30 years we are on a completely unsustainable path that Congressman MULVANEY also understands must be stopped. If you take a look at this chart, according to the Congressional Budget Office, over the next 30 years, our debt will total $103 trillion. That would be put on top of that $20 trillion in debt. It will be $10 trillion over the next 10 years, $20 trillion in the second decade, $65 trillion in the third decade. That is completely unsustainable.

By the way, the components of that $103 trillion deficit—$14 trillion in Social Security. In other words, Social Security will pay out $14 trillion more in payments than it takes in from the payroll tax over the next 30 years; Medicare, $34 trillion. The remainder of that $103 trillion is interest on the debt. If we want to avoid paying creditors more than $50 trillion in interest on our debt over the next 30 years, we need to address Social Security and Medicare. Congressman MULVANEY wants to do that. He wants to save Social Security and Medicare—not demagogue it; save it.

As the President from New Hampshire was pointing out, we need economic growth. That is the No. 1 component of the solution. I don’t care what problem I just mentioned above, economic growth is the primary component of the solution.

What is hampering our economy from growing? The fact is, since the Great Depression, our economy has averaged 3.2 percent annual real growth. Since 1945, America’s economy has been growing about 2 percent. I would argue that there are a number factors causing that tepid growth: overregulation, an uncompetitive tax system. We are not fully utilizing our energy resources. And of course there is this: our unsustainable fiscal path, our $20 trillion in debt.

I oftentimes make the analogy between our national debt and a family in debt over their head. It is just a nation-state; it is just many, many, many...
orders of magnitude larger. But the fact is, if you are a family in debt over your head, how can you grow your personal economy? All your disposable income is spent on the basics and servicing the debt. The same thing is true of a nation-state. Again, our enemies perceive our economy's weakness caused by our indebtedness.

So when you take a look at the role of the Director of the Office of Management and Budget, what we need to do to grow our economy comes under his jurisdiction basically. He has to address this deficit. He has to put forward a budget that is sustainable. Mick Mulvaney is dedicated to doing that.

Then, of course, the other thing the Office of Management and Budget is really designed to combat is overregulation. They are all about taking a look at cost-benefit and making sure the regulations that are implemented by this Federal Government are reasonable from a cost-benefit relationship that has not been the case recently.

Just a couple of examples of how economic growth really is going to help solve this problem. If you go from 2 to 3 percent annual growth, that is $14 trillion in economic benefits in just over a decade. If you go from 2 to 4 percent, that is $20 trillion. And even with the meager economic growth we have had since 2009, revenue to the Federal Government has increased by more than $1 trillion per year with meager economic growth. Just think of what would happen if we could reduce the regulatory burden, have a competitive tax system, and put our Federal Government on a sustainable fiscal path. Revenue would be flowing to the Federal Government, we could stop hollowing out our military, and we could start addressing these threats.

As to the regulatory burden, when we held hearings on this in my committee, the numbers showed that regulatory burden at $2 trillion per year. Just put that into perspective because I know we are getting immune to these massive numbers: $2 trillion is larger than all but 10 economies in the entire world. That is a self-imposed, self-inflicted wound on our economy. If you take that $2 trillion and divide it by the number of households in America, it is $14,800 per household.

No American writes a check to the Federal Government for $14,800 per year. During our committee markup—I heard earlier the Senator from Arkansas, who knows Congressman Mulvaney, served with him in the House, and understands how dedicated and serious Congressman Mulvaney is to stopping this mortgage of our children’s future. Senator Lankford also had the opportunity to serve 4 years in the House with Representative Mulvaney. This is what Senator Lankford had to say about his friend and colleague at the nomination hearing:

You were a serious student. You looked hard at difficult issues. You understood that there were difficult decisions that needed to be made and you had the skills and the opportunity to do that. That is a good start. I will settle for one-in, two-out. But I will not settle for one-in, ten-out. We need to prevent that.

In testimony before our committee, Congressman Mulvaney told my committee:

When President-elect Trump announced the nomination of Congressman Mulvaney to be the next Director of the Office of Management and Budget, I am going to start by talking in a minute about some of the critical roles that the Office of Management and Budget plays.

Before I do that, I want to go back for a moment to some of the comments of my friend who just preceded me on the floor. Going back 8 years ago, I remember that in the last 6 months of 2008, we lost 2.5 million jobs in this country—2.5 million jobs in 6 months. In the first 6 months of 2009, we lost 2.5 million more new jobs. That is 5 million jobs in 12 months.

Since the beginning of 2010, we have added 16 million jobs in this country. The unemployment rate in this country jumped as high as 10 percent by the end of 2009, and by the beginning of this year the unemployment rate was back down to 4.8 percent. During that year of this last administration, the Obama-Biden administration, the deficit, the budget they inherited for that fiscal year ballooned to $1.4 trillion. I am an old State treasurer, Congressman, Governor, and now Senator. That’s a lot of money. We have a GDP probably higher deficits than that during World War II, but that is a lot of money.

Finally, he said:

I realize that good public service—whether in a state legislature, Congress, or OMB—takes both courage and wisdom. The courage to lead, and the wisdom to listen. I have learned that I do not have a monopoly on good ideas. Facts—and the cogent arguments of others—matter. I will be loyal to the States and to the American people whom I serve.

My commitment to you today is to take a fact-based approach to get our financial house in order.

This is exactly the type of person—Congressman Mulvaney—somebody who is dedicated to solving these problems, who has the courage and the wisdom to stop mortgaging our children’s future, to put America’s budget on a sustainable fiscal path, to grow our economy, to make sure that future generations inherit a stronger, more prosperous America.

I am proud to support and I urge all my colleagues to support and vote for the confirmation of Congressman Mulvaney to be the next Director of the Office of Management and Budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Thank you, Mr. President. I rise this evening to speak on the nomination of Congressman Mulvaney to be the Director of the Office of Management and Budget. The Office of Management and Budget is critically important to the responsibilities that currently fall to the President, the Director of Management and Budget.

Before I do that, I want to go back for a moment to some of the comments of my friend who just preceded me on the floor. Going back 8 years ago, I remember that in the last 6 months of 2008, we lost 2.5 million jobs in this country—2.5 million jobs in 6 months. In the first 6 months of 2009, we lost 2.5 million more new jobs. That is 5 million jobs in 12 months.

Since the beginning of 2010, we have added 16 million jobs in this country. The unemployment rate in this country jumped as high as 10 percent by the end of 2009, and by the beginning of this year the unemployment rate was back down to 4.8 percent. During that year of this last administration, the Obama-Biden administration, the deficit, the budget they inherited for that fiscal year ballooned to $1.4 trillion. I am an old State treasurer, Congressman, Governor, and now Senator. That’s a lot of money. We have a GDP probably higher deficits than that during World War II, but that is a lot of money.

Finally, he said:

I realize that good public service—whether in a state legislature, Congress, or OMB—takes both courage and wisdom. The courage to lead, and the wisdom to listen. I have learned that I do not have a monopoly on good ideas. Facts—and the cogent arguments of others—matter. I will be loyal to the States and to the American people whom I serve.

My commitment to you today is to take a fact-based approach to get our financial house in order.

This is exactly the type of person—Congressman Mulvaney—somebody who is dedicated to solving these problems, who has the courage and the wisdom to stop mortgaging our children’s future, to put America’s budget on a sustainable fiscal path, to grow our economy, to make sure that future generations inherit a stronger, more prosperous America.

I am proud to support and I urge all my colleagues to support and vote for the confirmation of Congressman Mulvaney to be the next Director of the Office of Management and Budget. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Thank you, Mr. President. I rise this evening to speak on the nomination of Congressman Mulvaney to be the Director of the Office of Management and Budget. The Office of Management and Budget is critically important to the responsibilities that currently fall to the President, the Director of Management and Budget.
The unemployment rate was cut by half, the annual deficit has been cut by two-thirds, and instead of losing 5 million jobs as we did in 2008 and 2009, we added 16 million jobs. Could we do better than that? We have. Have we ever had a stronger running economic expansion in the history of our country than the last 7 years? I am told we have not. Can we do better? Yes.

Hopefully, in our spending plans and in the regulatory work that we do, we will have policies that provide the kind of environment that leads to job creation and job preservation. That is what we do. We don’t create jobs here. As my friend who is presiding knows, we help create a nurturing environment for job creation. One of the things we need for that is common-sense regulation.

If you look at the role of the OMB Director, one of those listed on this chart, No. 2, is regulatory process. The regulatory process is the way regulations are promulgated. This Congress, and as the Presiding Officer and others know, it is dictated by legislation called the Administrative Procedure Act.

If the Presiding Officer were an agency that was considering promulgating a rule or regulation, the agency would basically say to the rest of the world: We are thinking of promulgating a regulation on subject X. It is really a heads-up that they are thinking about doing that. It doesn’t mean they are going to, but they are thinking about it, so those who might be affected by that regulation, regulation X, would have a chance to say: Hmm, something might be coming our way, and we have an interest in it—or we don’t. This gives them a chance to go to the agency and say: We hear you are interested in promulgating a regulation on this particular subject. Let’s talk about it. That is why the agency gives a heads-up, so those who might be affected by it have the opportunity to talk to the agency, come to their elected officials, and share their opinions.

The agency can accept the comments they get or reject them. The Members of Congress can accept or reject them. We can actually arrange for our constituents who might have an interest in a proposed or possible regulation to arrange for meetings to make sure the agency that is thinking about promulgating a new rule or different rule or regulation has an opportunity to meet with those who would be affected positively or negatively.

The agency, armed with that information—the input they receive from filing a notice of rulemaking—if they decide to go forward, they will eventually propose a draft rule. This is not a final rule or regulation, but a draft. They promulgate that draft regulation under the Administrative Procedure Act. Then those who are interested in or affected positively or negatively by the draft regulation again have the opportunity to go back and talk to the folks who promulgated that rule or regulation, stating what it is they like or don’t like, proposing changes. They look us up—the Representatives, Senators—and say: Here are our concerns. We think this should be strengthened or weakened or taken out or added.

Then there is a comment period—for the draft regulations. Sometimes those who can be affected by the regulations will come to us and say: We don’t think we have enough time to fully understand what the effects of this draft regulation would be, and we would like to have more time to comment. Then what we do as elected officials is reach out to the agency and say: We don’t have enough time. We are hearing from too many of our constituents that there is not enough time. How about another week or month or some reasonable period of time? Sometimes we get what we ask for, and sometimes we don’t. Sometimes we get half of what we ask for, but that is the way it works.

At the end of the day, the agency may decide that they have enough of a bad response—bad vibrations from those who would be affected, as opposed to picking up good vibrations—and the agency may pull the reg entirely and say: We will think about this another time but not now. But they might go ahead and change the drafting to prepare to offer the final regulation.

When the agency is ready to report out the final regulation, if it is not the end of it because that is where OMB comes into play. There is an agency within OMB called OIRA, which refers to an oversight role that the OMB plays. Essentially, as we used to say in the Navy, if a message or something were sent from one level of command to another to another, we actually say we “chopped” it through different levels of command. My colleague who has better experience in the military, as I recall, may have had a similar experience. That is, the regulatory that is promulgated has to be chopped through OMB. It has to be chopped through OMB. They have the final say, and they can kick it back to the agency or not.

Changes may or may not be made, but eventually the final reg is published in the Federal Register. There is a period of time that runs, and eventually if folks really don’t like it enough they can basically file a suit and go to court to try to block the regulation. We see that happen from time to time. Faced with a suit, the agency might want to pull it back and make some further modifications. We can join in those amicus briefs or not. If all else fails, Harry Reid, who is the majority leader, a Democrat, wrote a law a number of years ago, the Congressional Review Act, which allows the Congress, years from now, to take another look and see if it is something—it is not that old, it had regs that were passed in 2016 or something, and if people say: We don’t like this, and we would not even need a vote—ask: Is this a good idea or not? And if the majority of the House and Senate, with the consent of the President, say: No, we don’t think this regulation is a good idea. It can basically be taken off the field and put on the shelf.

That is the way the process works. Some people don’t think that is a very good process. I hope that if MICK MULVANEY is confirmed to this job, this regulatory process is one that will be put to good use.

One of the things Cass Sunstein did, at the direction of President Obama, was begin a look-back process. We are going to look back at the old ones we have and see which ones have maybe outlived their utilization and should be eliminated or modified. I have stopped counting how much money has been saved during the look-back process over the last several years, but it is in the billons of dollars—maybe even in the tens of billions of dollars by now. I hope the next OMB Director will continue on that.

We have been joined here by my colleague from Michigan. I would just ask him if he is pressed for time. I will go maybe another 10 minutes, and then it is all you guys. The big job of the OMB Director, not surprisingly, is to help the President prepare in submitting a budget. I want to take just a minute and maybe use another chart to talk about how we spend our money. As my colleagues know, the spending is a pie chart kind of like this, and it is divided into maybe four major areas. One of those is—some people call it mandatory spending. I call it entitlement spending: Medicare, Medicaid, Social Security, maybe veterans’ benefits. It is spending the people are entitled to by virtue of being a certain age, being disabled, maybe having served in our Nation’s military, maybe being disabled in the course of military service, maybe having earned Social Security benefits. One of the kinds of things that are being considered as entitlements or mandatory spending. As a percentage of the budget, if we look at the green colors here, it adds up to a little more than half the budget.

Another maybe 5 to 10 percent of the budget is this sort of beige color or gray—this area right here. It is about 5 to 10 percent of the budget. It is debt service, principal interest on our Nation’s debt. Fortunately, our interest rates are low. If they ever go up, “Katy, bar the door.” Then the principal on the debt service will go up a whole lot. We have been blessed with low interest rates. It will not be that way forever.

So entitlement spending, a little over 50 percent; debt service, principal interest on the debt, 5, 10 percent.

The rest is called discretionary spending. It is defense spending, principal interest on our Nation’s debt. Fortunately, our interest rates are low. If they ever go up, “Katy, bar the door.” Then the principal on the debt service will go up a whole lot. We have been blessed with low interest rates. It will not be that way forever.

So entitlement spending, a little over 50 percent; debt service, principal interest on the debt, 5, 10 percent.

The rest is called discretionary spending. It is defense spending so it is about 40 percent discretionary spending. That is the spending that is done by our Appropriations Committee, about a dozen Appropriations subcommittees, including Agriculture,
Armed Services, Housing, Transportation, you name it.

Over half of the amount of spending that is called discretionary spending, right here in the blue, more than half of that is defense spending and less than half of that is called nondefense discretionary spending.

As it turns out, we could eliminate, I am told, every bit of our nondefense discretionary spending, and we would still have a budget deficit. That would be everything from agriculture to the environment, to transportation, law enforcement, prisons, you name it; the whole kit and caboodle, everything other than defense. I don’t think we want to get rid of all of that. We might want to find more efficient ways to spend that money. God knows we can find more efficient ways in spending defense money.

One of the ways we can do that is to take a page from something that happened today in the Committee on Homeland Security and Governmental Affairs, and with our governmental affairs fate on, we had the leader of the Government Accountability Office with us. We also had a couple of inspectors general. We had the head of the Census Bureau. They came to talk with us and present to us something called the GAO—Government Accountability Office—high-risk list. What is a high-risk list? It is a list of programs that are in danger of wasting a lot of money. It could include roughly $400 billion a year in revenues that we are leaving on the table; owed but not collecting. It could be $300 billion a year in major weapons systems cost overruns. It could be $110 billion, $115 billion a year on something called improper payments, moneys that are paid wrongly, mistakenly—not fraud but just mistaken payments—and it can include a lot of other things. It could be properties that the Federal Government paid for, and we didn’t do good work on that. Senator PORTMAN and I worked on that, as did Senator Coburn when he was here, and we worked a lot on property reforms. With the help of Senator JOHNSON last Congress, I think we made pretty good progress.

There are a lot of ways we waste money. What we do in the Committee on Homeland Security and Governmental Affairs, with our governmental affairs fate on, use the GAO’s high-risk list as a to-do list to be able to save money. If you have GAO, in concert with the Office of Management and Budget, working together with the inspectors general in every major Federal agency, working with the oversight committees in the Senate, Homeland Security and Governmental Affairs, and with our counterpart oversight committee in the House—if we all are working together, going in the same direction, we can actually figure out how to cut a lot of money in defense spending and nondefense. With all the overpayments that occur in Medicare and Medicaid—it is almost $100 billion just between those two—we could actually make some real progress. Our budget deficit is still too large.

Not that many years ago, when Bill Clinton was President, the last 4 years of that administration, we had 4 years of balanced budgets. We had not had a balanced budget since 1968. Over the last 4 years of the Clinton administration, we had four balanced budgets in a row.

How did we do it? One, we had a good economy, as you all recall. There were more jobs created in those 8 years than any 8 years in the history of the country. I was Governor then, and there were more jobs created in those 8 years in Delaware than any year in the history of our State. I like to say I didn’t create one of them, but we tried to create a nurturing environment for job creation and job preservation. One of those ways—one of the elements that is important—is certainty and predictability.

It has been mentioned earlier today that the concern that a number of people have with Congressman MULVANEY as OMB Director is he allegedly has said government shutdowns are not that concerning. I don’t know his exact words. One of the things we were reminded of today by GAO is, businesses need predictability, they need certainty, but the other thing they need—what the Federal Government needs and its employees need are some predictability and certainty as well. Stop-and-go government is painful to businesses, but it is especially painful and wasteful for the Federal Government. Continuing resolutions, government shutdowns—our Federal employees spend a lot of time just preparing for shutdowns. That is wasteful, it is demoralizing, and I think that is—I will stop there. I see the majority leader is here, and I want to be respectful to him. There are other concerns I have that I will submit, but I hope my colleagues will keep these thoughts in concern in mind when we consider the nomination of Mr. MULVANEY to head up OMB.

I would say to my friend the majority leader, I appreciate the time we had together in your office earlier this week. I would just ask him to consider one more time, if we had the opportunity for a judge in Oklahoma to make a decision tomorrow on the access to the emails we discussed, I think we could all vote with a clear conscience a week from Monday on the nomination of the Administrator for the EPA. I would encourage the majority leader to do that.

Thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I thank my friend from Delaware for his suggestion and giving me a moment here—I am not sure whether he is finished—but to just ask unanimous consent on a matter.
a “Ponzi scheme.” When I asked Rep-resentative MULVANEY about his views during this hearing, he confirmed to me that raising the retirement age is a central piece of what he calls Social Security reform.

I could not agree more. Michigan workers have worked their entire lives and have contributed out of their pay-check to the Social Security trust fund. I simply cannot vote for someone who takes pride in telling these Michiganders—construction workers, nurses and others—that they needed to spend another 5 years on their feet after a lifetime of hard work.

Social Security is not a Ponzi scheme, and labeling it as such shows callous indifference to Michigan fami-lies. Social Security is one of the most successful programs in our Nation’s history. Confirming Congressman MULVANEY to lead the Office of Management and Budget is a direct threat to the financial security of millions of seniors and disabled Americans.

If you believe Mr. MULVANEY’s pro- posals on Social Security are wrong-headed, just wait until you hear his views on Medicare. He has vowed to “end Medicare as we know it.” He has said the plans of House Speaker PAUL RYAN, which called for drastic cuts to Medicare, didn’t go far enough.

During the first term of President Reagan, a saying entered into the pub- lic discourse as the newly elected President was staffing up his adminis-tration: “Personnel is policy.”

While President Trump said on the campaign trail that he opposes changes to Social Security and Medicare, per- sonnel is policy. While the title of the job, “Director of the Office of Manage-ment and Budget,” might conjure up images of a bureaucratic backwater for many Americans, make no mistake, we are currently debating who will hold one of the most powerful positions in this democracy—personnel administration—and personnel is policy.

Let’s be clear. Congressman MULVANEY’s nomination presents a di-rect threat to Medicare and to Social Security. While his positions on these critical programs are enough to war-rant my “no” vote, let’s examine how we might address other aspects of the Federal budget.

We don’t need to work at the Office of Management and Budget or be an ac-countant to know that President Trump’s budget priorities simply do not add up. The Federal debt and deficit are serious issues, but we haven’t seen one serious proposal from this admin-istration on how we reach fiscal sustainability. It is the job of the OMB Director to help bring some sense to these proposals.

What are the proposals? They include $10 trillion in tax cuts; $40 billion on a border wall—with some kind of IOU from Mexico; drastically increasing de-fense spending; $1 trillion on infras-structure; and a campaign promise to never, ever touch Social Security and Medicare.

It simply doesn’t add up. Either President Trump is planning to grow our debt and deficit to dangerous levels or he is going to ask his advisers which of his many campaign promises he should break. Given Representative MULVANEY’s belief that deficits can be solved with benefits for seniors and slashing investments in basic science and research, he is not the per-son I want in the position of OMB Di-rector.

This role is also not just about ex-penditures and revenue. As a senior member of the President’s economic team, you need a steady hand to help lead the government of the world’s largest economy. Given the disarray that we are now seeing in the White House, I am convinced now more than ever that Representative MULVANEY is not that steady hand to help lead fiscal policy in this Nation.

In 2013, Representative MULVANEY supported and helped lead the effort for the debt ceiling. Let me repeat: He helped lead the effort to shut down the U.S. Government. More spe-cifically, he helped lead the effort to shut down the government because the Senate would not agree to defund Planned Parenthood.

In his confirmation hearing, he had a chance to explain this position. Our ranking member, Senator McCASKILL, asked him flat out: Do you still believe that the 2013 government shutdown was good policy?

His response: Yes, ma’am. It was po-lite, but wrong. Politely isn’t enough. We simply cannot have these views in the highest levels of government.

This spring, on April 28, funding for the Federal government expired. Crit-ical programs, from childcare to sci-entific research, will halt unless there is an agreement in place. It is hard to have confidence that this administra-tion will come to a reasonable agree-ment. For them, the current year’s high-est budget position believes it is “good policy” to shut down the Federal Gov-ernment.

This will not be the first, or last, po-tential budgetary crisis the OMB Di-rector could face. Sometime this sum-mer, the U.S. Congress will need to ad-dress the debt ceiling in order to meet our previously agreed-to financial ob-liations. If we do not come to an agree-ment, the effects on the global econ-omy will be devastating. We risk per-manently damaging credit rat-ing and setting off a worldwide finan-cial crisis.

Representative MULVANEY on many occasions has doubted the need to raise the debt ceiling. He has discussed that the U.S. Government should meet our financial obligations. This makes me doubt his very basic qualifications to serve as the Director of OMB.

This is far beyond partisan politics. This is the fiscal health of our Nation that will be at stake—truly, the full faith and credit of the U.S. Govern-ment. If Congressman MULVANEY, as the highest ranking budget official in the Nation, is not going to advocate on behalf of this commitment, who will?

I am also worried that Congressman MULVANEY simply lacks the ability to see how fiscal and financial decisions impact working people. He looks past them and doesn’t give them a second thought. In this hearing, I offered Mr. MULVANEY the chance to explain why he did not pay payroll taxes for the nanny who took care of his children. To be frank, I was shocked by his response. To him, there was a “differentiation.” In his mind, between the employee who was spending 40 hours a week helping to raise his triplets and the employees who spent 40 hours a week in his law firm. To him, the white collar workers in his law firm were employees, and his nanny was not. I am shocked that Mr. MULVANEY did not realize that childcare is work, and it is some of the hardest, most important work there is. Whether a nanny, babysitter, or childcare provider; this employee mattered, and he didn’t give her a second thought—until he was nominated to be Director of the Office of Management and Budget.

I don’t believe my colleagues should give him the opportunity to advance his extreme positions on Medicare and Social Security and look past hard-working Michiganders. I will oppose Representative MULVANEY’s nomination, and I urge my colleagues to join me.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Sen-ator from Georgia.

THE ECONOMY

Mr. PERDUE. Mr. President, I rise tonight to speak about the opportunity our country has to move this country forward.

I appreciate the comments by my good friend from Michigan. I appre-ciate all the comments in this hal-lowed ground called the U.S. Senate. But I have to say that while I agree on some points, I disagree on others.

The one thing I am really troubled by ton-ight is the fact that creating the ultimate shutdown in government right now. We had an election. Our democracy has worked. We have a new person in the White House. We have a new direction for our country. Yet this person in the White House cannot even get his team approved in the U.S. Senate.

After some 27 days, I think President Obama had 26 of his Cabinet and other appointees already confirmed. At this point, President Trump has only 13 of his nominees. Quite frankly, had we not turned the Senate on 247 over the last few weeks, it would be until June or July of this year before we could get the full slate of just the 15 Cabinet offi-cers confirmed. That is no way to run the Federal Government and, indeed, the “American Way” of the other side. They complain about shut down this and shut down that. What is happening right now in the U.S. Senate is that the
other side is shutting down this administration from getting on with the people's business of what they elected him to do.

Today, after 8 years of failed fiscal policies that have produced the weakest GDP growth on a per capita basis in our history, a devastating time that left 4 million women in poverty after the last 8 years and left many people struggling to pay their daily pay day—afer those 8 years, tonight I am actually very encouraged to finally be debating pro-growth tax ideas that can actually grow the economy and put people back to work. We have an enormous amount of opportunity to change the direction of our country and unleash a new era of economic growth and prosperity for every American.

President Trump has repeatedly said that job one is growing the economy. Personally, having worked in most parts of the world in my career, I see this so differently from Washington. My perspective is that of someone who has a global business perspective, not unlike President Trump. I know the way forward is not complicated. We absolutely can grow this economy.

There are three things this administration is already talking about to grow the economy: One, they have said we need to deal with this archaic, outdated, and noncompetitive tax structure that we have; second, we need to push back on these arcane regulations that have sucked the very life out of our economy; third, we need to unleash the God-given energy potential that we have in our country today. The bottom line is we have to create a more level playing field generated by trade negotiations to allow us to compete on a level playing field with the rest of the world.

The first two pieces of these changes are the changes to the Tax Code and rolling back the regulatory regime. Several ideas from both President Trump and the Republicans have surfaced. As such, we have to deal with this archaic, outdated, and noncompetitive tax structure that we have; second, we need to push back on these arcane regulations that have sucked the very life out of our economy; third, we need to unleash the God-given energy potential that we have in our country today. The bottom line is we have to create a more level playing field generated by trade negotiations to allow us to compete on a level playing field with the rest of the world.

I am encouraged that today there are so many of my colleagues in Congress interested in generating new pro-growth ideas. It is a new day in Washington. I have long been an advocate of simplifying the way we fund our Federal Government. In my opinion, the best way forward is a new system, like the fair tax, for example, which would move us to a totally new tax system and completely eliminate the personal, corporate, and payroll taxes we suffer through to date. I think all of these ideas need to be considered, and none should be taken off the table arbitrarily.

Having said that, one idea bears much scrutiny at this point in time, and that is the so-called border adjustment tax now being discussed in Congress. It would hammer consumers, shut down economic growth, and ultimately grow the size of government.

In the last 16 years, under both Republican and Democratic Presidents, the Federal Government has grown from $2.4 trillion to $3.8 trillion last year—some 60 percent growth in just two Presidencies, one Republican and one Democrat. Tax schemes similar to the border adjustment tax in Europe grew the size of those governments in Europe by more than 60 percent. What is the last thing we need to be talking about right now? The thing we need to do is to experience a similar type of growth in our government over the last 16 years. Growing government with a complexity on top of our existing income tax system is the last thing we need to be doing in this country. It is time to simplify the Federal Government, make our system more competitive with the rest of the world, create jobs, and create the atmosphere for capital formation and innovation again.

Historically, lawmakers have crammed numerous proposals into single, massive bills. It is the Washington way. Those bills have often hurt the very people that they claim to champion. When bad ideas get mixed with good ideas, the bad ideas often times become law. That is exactly what could happen here if changes to the individual code, the corporate rate, the repatriation tax, and this border adjustment tax are combined into one sweeping bill. This is exactly what Washington has historically done, and the results have been devastating.

Each of these proposals could be considered independently and evaluated on their own merits. There is no reason we can’t do that. That is not possible today because many people in both parties have slammed the wall the White House is putting up to keep the American people from their own best interests. That is why we need to cut through this wall the White House is putting up and focus on the policies that will actually grow our economy and bring relief to businesses and families who have been crushed by improper fiscal policies that are driven by political attempts to manage our economy.

Now is exactly the time to get these changes right. We have an opportunity to change our Tax Code to a more competitive structure that doesn’t pick winners and losers, that doesn’t penalize the people for success, and that allows us to compete with the rest of the world on a level playing field.

I like our chances if we can accomplish that, but let’s not confuse the issue with what may seem acceptable to the people that we keep putting men and women who are trying to create jobs in their local economies. We need to free up capital. We need to make sure the rule of law supports the Constitution for every American. The American people deserve Congress treating these issues individually and independently to generate a simplified approach to funding our government and growing our economy.

I believe they have a plan. It includes adjusting our tax system, pushing back on unnecessary regulations that are sucking the very life out of our economy and, finally, once and for all,
unleashing this great energy potential that we have.

We already see moves today on some of the regulatory fronts, where we see the new Secretary of HHS issuing a new rule today. We see the new leaders that have come in and taken active, constructive action in this administration. I, for one, am anxious to move forward with this debate.

I applaud our compatriots in the House for bringing up these ideas. I look forward to an open and active conversation, but now is the time for the other side to begin confirming these nominees so that we can get this economy growing.

I know you also are aware that our military is in devastating shape now after 8 years of disinvestment and 15 years of war. There is enough blame to go around here. This is not about the blame game. This is about getting this economic situation right where we can fund our military so we can defend our country.

I am very concerned that the other side is putting politics in the way of solving some of these problems that we have that are so devastating to men and women who are disenfranchised in our economy and our military and at risk in uniform around the world who are put in danger every day because we are not funding our military the way we should.

The time for rhetoric has passed. We are already past the tipping point of the most serious. I believe, physical crisis in our history. This debt crisis is very real. We don’t need to grow the economy just to grow the economy. We have to grow the economy because it is one of several steps that are absolutely mandatory to solving this debt crisis, and we will not and cannot solve our national security crisis unless and until we solve this debt crisis. I am optimistic tonight because we are beginning to talk about these very issues.

I yield my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

TRIBUTE TO MONA PAINTER

Mr. SULLIVAN. Mr. President, in the past month, I have come to the floor to recognize Alaskans who have generously devoted their time and talents to our State and made it a better place for all of us to live. It is a great place to live. There is a mystique surrounding our great State—a well-earned mystique. People travel to Alaska from all over the world to discover a part of themselves that craves high peaks, beautiful mountains, streams, and swaths of wilderness.

The real wonders of Alaska are our people—kind and generous people, many of whom have etched warm homes and welcoming communities out of wilderness. One of those people who has helped make my State truly extraordinary is Mona Painter, our Alaskan of the Week.

Mona was born in 1937 and is now 80 years old soon, first visited Alaska when she was just 11 in 1949. She flew, by herself, with others in a tiny four-engine passenger plane to visit relatives. In the 1950s, she moved to Alaska for good and eventually settled in Cooper Landing. Cooper Landing has about 400 year-round residents, but that number swells in the summer. It has some of the best fishing and rafting anywhere in the world—an astonishingly beautiful place.

It has people like Mona, a devoted wife, grandmother, great-grandmother, and someone, who according to one fellow resident, is “the glue that binds the community of Cooper Landing together.”

She has done so much for this community—volunteering countless hours over the decades to ensure community cohesion in the schools, churches, and various clubs, including the Cooper Landing Community Hall, which serves as the community’s unofficial city council.

Since living in Cooper Landing, Mona received an art degree, has taken anthropology classes, and even took a taxidermy class—once practicing her skills on a moose left on the side of the highway.

One of Mona’s passions throughout the years has been to keep history alive in Cooper Landing. To that end, she started the Cooper Landing Historical Society and Museum, with which she is still very involved. For years she has devoted her time and energy to collecting bits of history about Cooper Landing and sharing that history with her neighbors, with residents, and with all Alaskans. She is also the founding member of the Kenai Communities Association and helped to spearhead the effort to create a national heritage area in that part of our State.

One of her friends said about her: “The whole essence of her life has been to make this community a better place to live and to restore the history of the community.”

People like Mona make my State great, and I want to thank Mona for all she has done.

Thank you, DeLynn, for your years of service to Alaskans. You will always, always have a home with us.

Mr. President, I rise in support of Congressman MULVANEY’s confirmation to be OMB Director for many of the reasons that a number of my colleagues have come to the floor and mentioned. The Presiding Officer just talked about some of those reasons. My colleague and friend from Wisconsin did a few minutes ago, also. Those are two of dozens that don’t get talked about enough here and, certainly, weren’t talked about enough in the last 8 years; that is, economic growth and the overregulation of our economy.

Again, It wasn’t talked about a lot, but we had a lost decade of economic growth. The end of the Bush years and the entire Obama years never hit 3 percent GDP growth in 1 year—never. That is the first President in the history of the country not to do that.

Thank you, DeLynn, for 16 years of service to Alaskans.
what we see. This regulatory overreach impacts all kinds of Americans, mostly small businesses. This is a big reason why this economy has been stuck in first gear.

When I had my discussions with Congressmen MULVANEY, we focused on this issue of growth, and we focused on this issue of overregulation. We haven't had an OMB Director in years who is focused like a laser on growth, like a laser on making sure we don't overburden our economy the way the Federal Government has done for decades. That is exactly what we need right now. We need growth. We need opportunity for Americans. We need the Federal Government to be a partner in opportunity, not an obstacle, as it is in so many States.

For these reasons and because I believe the next OMB Director is going to be focused on these issues—opportunity for Americans and growth for our economy, which sorely needs it—I plan on voting in favor of the nomination of Congressman MULVANEY, and I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as the ranking member of the Budget Committee, I rise in strong opposition to the nomination of Congressman MICK MULVANEY to be the next Director of the Office of Management and Budget, or OMB.

Like many of President Trump's other nominees, my opposition to Congressman MULVANEY has less to do with his extreme rightwing economic views than it has to do with the hypocrisy and the dishonesty of President Trump. The simple truth is that Congressman MULVANEY's record, in many respects, is the exact opposite of the rhetoric that then-Candidate Trump used in order to get votes from senior citizens and working families. Now, if Candidate Trump had run his campaign on making it very clear that there would be no cuts to Social Security, Medicare, and Medicaid. I would have to do it. . . . People have been paying in for years, and now many of these candidates want to cut it.

On November 3, 2015, Mr. Trump said:

I will save Social Security. I'll save Medicare. . . . People love Medicare. . . . I'm not going to cut it.

On March 10, 2016, Mr. Trump said:

I will do everything within my power not to touch Social Security, to leave it the way it is . . . it's my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as is. It is my absolute intention to leave Social Security the way it is. Not increase the age and to leave it as is.

It can't be much clearer than that.

On May 21, 2015, Mr. Trump tweeted:

I am going to save Social Security without any cuts. I know where to get the money from. Nobody else does.

On January 24, 2015, Mr. Trump said:

I'm not a cutter. I will probably be the only Republican that doesn't want to cut Social Security.

Those are pretty strong statements. What he just told you, in no uncertain terms, can't be clearer than that. He doesn't want to cut Social Security. He doesn't want to cut Medicare and he doesn't want to cut Medicaid. And you know what, millions of people actually believed what he said. They actually thought that Candidate Trump was telling the truth.

But now that the election is over, President Trump has nominated a budget director, Mr. MULVANEY, who would cut Social Security, would cut Medicare, would cut Medicaid, and would threaten the entire security of millions of Americans.

We just heard the exact quotes coming from candidate Donald Trump. Let's now hear the exact quotes coming from Congressman MICK MULVANEY about his views on these very same issues.

On May 15, 2011, Congressman MULVANEY said on FOX Business News: We have to end Medicare as we know it.

On April 28, 2011, Congressman MULVANEY said:

Medicare as it exists today is finished.

On August 1, 2011, Congressman MULVANEY said:

You have to raise the retirement age, lower a pay-out, change the reimbursement system. You simply cannot leave [Social Security] the way it is.

On May 17, 2011, Congressman MULVANEY said: "I honestly don't think we went far enough with the Ryan plan" because it did not cut Social Security and Medicare "rapidly enough."

Just 2 years ago, Congressman MULVANEY voted against the budget proposed by House Budget Committee Chairman Tom Price and House Speaker RYAN, which cut Medicaid by $255 billion more than the President's budget. If we would have cut Social Security by $184 billion more, and it would have cut Medicaid by $255 billion more than the budget proposed by Chairman Price and House Speaker RYAN.

In fact, Congressman MULVANEY made it clear during his confirmation hearing in the Budget Committee that he would advise President Trump to break his promises not to cut Social Security, Medicare, and Medicaid. During the confirmation hearing, the then-Candidate Trump's campaign promises "totally unrealistic" and said that they "make no sense whatsoever."

When Senator CORZINE asked Congressman MULVANEY if he would advise the President not to follow through on the campaign promises he made to seniors, this is what Congressman MULVANEY said:

I have to imagine that the President knew what he was getting when he asked me to fill this role. . . . I'd like to think it is why he hired me.

Whoa, what we have been discussing is precisely why so many people have come here in Congress and what goes on in Washington, in general. What is going on here is that a candidate for President of the United States says one thing in order to get votes, but the day after he is elected, his tune dramatically changes, and he nominates a number of people to his Cabinet and to high-level positions within his administration who intend to do exactly the opposite of what he campaigned on. Once again, Congressman MULVANEY—and I believe he is exactly right—said:

I have to imagine that the President knew what he was getting when he asked me to fill this role. . . . I'd like to think it is why he hired me.

So the President hires somebody who has been one of the most vigorous proponents of cutting Social Security, cutting Medicare, and of cutting Medicaid after he ran his entire campaign telling the American people he would not cut Social Security, cut Medicare, and cut Medicaid.

Outside of Capitol Hill, where real people live, it turns out, not surprisingly, that the overwhelming majority of voters—be they Democrats, Republicans, or Independents—are opposed to cutting Social Security. In fact, according to an October 2016 survey by Public Policy Polling, 72 percent of African American people, including 51 percent of Republicans, "support increasing, not cutting, Social Security benefits by asking millionaires and billionaires to pay more into the system."
As it happens, that is exactly the heart and soul of the legislation that I will soon be offering. Legislation that I will be offering will expand Social Security benefits, not cut them. It will do so by asking the top 2 percent to pay more. It turns out that is not only the right thing to do, but it is precisely what the American people want us to do. Various other polls have reached similar results. The people of our country—once you get outside the Congress and outside of the Republican caucus, the people of the United States know that when millions of seniors, disabled veterans, and people with disabilities are trying to get by on $13, $14, $15,000 a year, you do not cut their benefits, while at the same time giving hundreds of billions of dollars in tax breaks to the top 1 percent. That is not what the American people want.

In my view, we don’t need a budget director like Congressman MULVANEY, who believes that Social Security is a “Ponzi scheme.” We don’t need a budget director who once voted to declare Social Security, Medicaid, and the U.S. Department of Education unconstitutional. He was in, I believe, the South Carolina State Legislature, State Senate. He voted on legislation which got very few votes—in the South Carolina State Senate. He voted to declare Social Security, Medicaid, and the U.S. Department of Education unconstitutional. This is the person whom President Trump has nominated to become the head of OMB.

So if you believe Social Security is unconstitutional, if you believe it is a good idea to cut benefits for people who will be living on $13,000 or $14,000 a year, I guess Mr. MULVANEY is your choice. If that is whom my Republican colleagues want to vote for, that is their business, but my job and the job of everybody is to make it clear to the American people that the Republicans are far more interested in cutting Social Security and in giving huge tax breaks to billionaires than they are in taking care of the needs of the American people.

We need a budget director who understands that we have a retirement crisis in America today. Today, more than half of older Americans have no retirement savings. That is just an extraordinary reality. Over half of older workers in this country have zero in the bank. But they are feeling when they hear people like Congressman MULVANEY saying: Hey, you got nothing now. You are going to try to get by on $12,000, $13,000 a year in Social Security, and we are going to cut those benefits.

Today, more than half of older Americans have no retirement savings. More than one-third of senior citizens depend on Social Security for all of their income. One out of five seniors is trying to make ends meet on less than $12,000 a year. I will tell you, I hope people are able to sleep well, people who think it is appropriate to give tax breaks to billionaires and cut benefits for people who are trying to get by on Social Security checks of $13,000 a year.

In my view, we don’t need a budget director who believes that “we have to end Medicare as we know it,” nor do we need a budget director who has said that “Medicare as it exists today is finished.” Let’s remember for a moment what things were like before Medicare was signed into law back in 1965. At that point, about half of all seniors were uninsured and millions more were underinsured. According to Medicare, about 45 million seniors have health insurance, and the senior poverty rate has plummeted. Seniors are living healthier, longer lives.

Thank you, Medicare.

In my view, we do not need a budget director who supports cutting Medicaid by more than $1 trillion, threatening not only the healthcare of low-income people but also the nursing home care of millions of vulnerable senior citizens and disabled Americans. That is not just millions of not just low-income families but middle-class families who today are getting help with the nursing home payments for their parents through Medicaid. If you make devastate millions of seniors and are not only going to take away health insurance from low-income Americans, you are going to put enormous economic stress on middle-class families who will have to pay the full tab for the nursing home care of their parents.

Finally, there is another issue: that is, Mr. MULVANEY’s taxes. After Congressmen MULVANEY was nominated to become the next OMB Director, it was revealed that he failed to pay over $15,000 in taxes for a nanny he employed from the year 2000 through 2004. Here is what Congressman MULVANEY wrote in response to a question I asked him on January 11:

I have come to learn during the confirmation process that I failed to pay the necessary Social Security and Federal and State unemployment taxes on a household employee for the years 2000 through 2004. Upon discovery of that shortfall, I paid the federal taxes. The amount in question for Federal FICA and unemployment was $15,583.60, exclusive of penalties and interest which are not yet determined. The State amounts are not yet determined.

This is a very serious issue. As you would recall, 8 years ago Senator Tom Daschle withdrew his nomination as Secretary of Health and Human Services after it was discovered that he failed to pay taxes for one of his domestic workers.

On this issue, I agree wholeheartedly with Minority Leader Schumer, who said:

When other previous Cabinet nominees failed to pay their fair share in taxes, Senate Republicans forced those nominees to withdraw from consideration. If failure to pay taxes was disqualifying for Democratic nominees, then the same should be true for Republicans. Today, thanks to MULVANEY’s previous statements made in light of Congressman MULVANEY’s extraneous rightwing record of attacking the needs of the elderly, the children, the sick, and the poor, I would urge all of my colleagues to vote no on this nomination.

With that, I yield the floor.
States’ public debt and protect essential government services that our sick, our elderly, and our veterans depend upon.

Putting someone with such strongly held and reckless views into power at the OMB is an endorsement of policies that would cause another global financial crisis—devastating millions of American families. I cannot in good conscience support his nomination for this reason alone.

Representative MULVANEY is a founding member of the group of extreme House Republicans who forced the government to shut down in October 2013 over their blind opposition to the Affordable Care Act. In New Mexico, the impacts of the shutdown were felt immediately as our civilian employees were sent home from military installations, national parks and forests were closed to tourists, and countless other services were halted. The shutdown lasted over two weeks, and Representative MULVANEY and other members of his extreme wing of the House could have ended the shutdown at any time.

Representative MULVANEY claims that he opposes wasteful government spending, as analysis by Standard and Poor’s found that the October 2013 government shutdown cost $24 billion—$24 billion with nothing to show for it. Even Representative MULVANEY admitted that his shutdown hurt people. On October 16, 2013, he told CNN, “If you’re one of the millions of people who relied on the shuttered services, his shutdown hurt you, but Representative MULVANEY showed little remorse. I stand by what I said at the time. Insisting on blind cuts or a government shutdown to prove a point isn’t leadership.

Third and finally, Representative MULVANEY is on record advocating enormous cuts to Medicare, and he is a proponent of Speaker RYAN’s preferred voucher concept for Medicare. He also has long been hostile to Social Security and voted in the South Carolina State Senate to declare Social Security, along with Medicaid and the Department of Education, unconstitutional.

Workers earn their Social Security benefits through a lifetime of paying into the Social Security system. And it is unfair, and cuts them, and it is unfair to take benefits away from people who relied on the system, and the system is one that was anticipated by our Founders to be used rarely because the very existence of this power, they felt, would ensure that a President would nominate people who are appropriately suited to the post they would hold. So I do find it troubling the number of times I have come to the floor in these last few weeks to speak about a nominee, whether they are fit for a particular post. This effort, this advice and consent responsibility held by the Senate, is one that was anticipated by our Founders to be used rarely because the very existence of this power, they felt, would ensure that a President would nominate people who are appropriately suited to the post they would hold. So I do find it troubling the number of times I have come to the floor in these last few weeks to speak about a nominee, whether they are fit for a particular post.

To break that down a little bit, the Office of Management and Budget puts together the budget for the President. In doing so, they take the vision our President has articulated, and they build it into a roadmap to accomplish that vision because where you spend money affects what actually happens as we pursue programs here in the United States of America. It is the Director of the OMB who works to make sure the various pieces of the Federal Government are working together like gears that mesh cleanly together and do not conflict. It is the Director of the OMB who helps to determine the cost of proposed legislation, which can advance or doom any particular proposal. It is the position of the OMB Director to review the impact of the proposals, and that can also have a significant impact.

I come to this conversation with a number of concerns, and the first is the position of the nominee on Social Security. For 82 years, Social Security has provided for all working people, and it has helped our Nation prosper.

On the third anniversary of the Social Security Act, in 1938, Franklin Roosevelt pointed out: “Men and women too old and infirm to work either depended on those who had but little to share, or spent their remaining years within the walls of a poorhouse.”

That is not the vision we have today. Thanks to Social Security, our seniors have a basic income to see them through their golden years. They can live out their lives in relative comfort and security, rather than, as Franklin Roosevelt put it, “within the walls of a poorhouse.”

In 2016, roughly 61 million Americans received over $900 billion in Social Security benefits. That is a huge injection into our economy, and it is spent almost immediately on fundamental goods. Nearly 9 out of 10 Americans older than 65 receive Social Security benefits, and for one-quarter of our Social Security beneficiaries, including both those who are single and those who are married, Social Security accounts for virtually their entire income. That would be many millions—more than 15 million Americans who would definitely be struggling in the most difficult fashion financially if Social Security didn’t.

Retired workers and their dependents account for about 71 percent of the benefits paid. Funds also go to disabled workers. Disabled workers and their dependents account for about 16 percent of the benefits. Survivors of deceased workers account for another 13 percent or roughly one-eighth of the benefits paid.

Simply put, Social Security assists our retired workers, our disabled workers, and the survivors of our deceased workers. It is one of the best ideas America has ever formed, but Congressman MULVANEY doesn’t agree. He sees Social Security as a Ponzi scheme. Let me explain what a Ponzi scheme is. A Ponzi scheme is something where the incoming amount raised immediately pays for the benefits of somebody who paid in money previously.

We actually have a Social Security trust fund, which is the difference between MICK MULVANEY’s description of Social Security and what we actually have. If we made no changes, no changes at all, to increase the lifetime of the trust fund, it would continue to be able to pay 100 percent of the benefits through 2034 and roughly three-
quarters of all benefits currently promised ever after. That is if we make no changes. If we make small changes, our Social Security trust fund is solvent for decades and decades into the future. Certainly, I think we should aspire to that vision of a fund that has a 75-year horizon, a full solvency.

The issue that Congressman MULVANEY raises, the idea he raises for changing how we adjust Social Security for inflation, one of increasing the amount of wages that are subject to Social Security tax; it is not one of putting premiums on the income earned through nonwages, which is primarily income raised by wealthier Americans. Instead, it is to say to folks: Just retire later.

When you are a white-collar worker and you work in an office that is nicely air-conditioned and you have had full healthcare benefits throughout your entire life, maybe when you get into your sixties, you say, "Well, maybe I could keep working a little longer," but the reality for a huge percentage of Americans who work difficult jobs, who work jobs where their bodies wear out, they don't have the choice of simply saying: I will retire in another 5 years. So it is a poor fit between this vision of a trust fund that has a 75-year horizon and Social Security tax; it is not one of putting premiums on the income earned through nonwages, which is primarily income raised by wealthier Americans. Instead, it is to say to folks: Just retire later.

So that strategy of moving the goal-post on American workers, many of whom are decades already into the work they are doing, doesn't fulfill the promise and the vision of the Social Security Program.

While Social Security is a great idea, moving the retirement age to age 70—which MICK MULVANEY advocates for, from his view as someone who comes from a job that perhaps isn't as arduous as many jobs in America—is a bad idea.

This vision continues on into Medicare. Like Social Security, Medicare is also a generational promise, a lifeline for countless Americans since President Johnson signed it into law now more than five decades ago. Over 55 million Americans rely on Medicare for their health and their financial security. Roughly, 46 million are older Americans, 9 million are younger Americans with disabilities or certain illnesses.

While this program has worked incredibly well, our nominee wants to "end Medicare as we know it." Those are ominous words for the 55 million Americans relying on Medicare. He also believes we have to raise the retirement age. He told Bloomberg News in 2011: "You have to raise the retirement age, lower a payout, change the reimbursement system."

The problem with raising the retirement age is the same problem we have with Social Security. For American workers working hard in many types of jobs, their bodies are worn out. I used to have folks come to my townhalls and say: Senator, I am just trying to stay alive until I get to age 65, and they would tell me how they had multiple diseases and they were choosing between which disease to treat or how they had a single significant problem, maybe a heart condition. They would go to their pills every other day or cut their pills in half or perhaps go a week without their pills at all or how they were choosing not to go to the doctor when they really needed to. If they were afraid they wouldn't be able to afford the payment. That is not a healthcare system, but MICK MULVANEY wants to say to those folks: Oh, you reached age 65, too bad. I am providing this healthcare program another 5 years into the future. That is simply wrong, but more than wrong, it is also in direct contradiction to the promises made by President Trump during his campaign.

The contrast is incredibly stark between the President's promise to Americans that unlike so many of the folks in his party, he would not be the one to promote tearing down Medicare and Social Security. He would not be the one to promote advancing the retirement age so that the folks struggling have to struggle for another 5 years. So it is a poor fit between this individual and the office and the promises made to the American people.

Another concern I have is in regard to Congress. MULVANEY's advocacy for shutting down the economy. He seems very comfortable playing Russian roulette with our economy. He and a group of other House Members brought our government to a screeching halt in 2013 because they wanted to defund the Affordable Care Act. What is the Affordable Care Act? The Affordable Care Act has enabled 20 million Americans to gain access to healthcare that they didn't have previously. In my home state of Oregon, the Affordable Care Act has enabled about one-half million people to gain access to healthcare, both through expansion of Medicaid, known as the Oregon Health Plan, and also through the healthcare exchange and marketplace where you can compare one policy to another, shop for the policy that best fits your family, and those of modest means get credit to help pay for those policies so they can actually afford them. One thing I can say that provides for a healthcare set of benefits—benefits such as the ability to keep your children on your policy through age 26, benefits such as not having an annual limit or a lifetime limit on your policy so that when you do get seriously ill, you don't run out of healthcare partway into treating your disease. It is the Affordable Care Act that ends gender discrimination in the insurance marketplaces. It is the Affordable Care Act that says if you have a preexisting condition, you can still get insurance.

I was at a fundraising walk for a woman who had a family member with multiple sclerosis. It was a fundraiser for multiple sclerosis. She said: Senator, this year is so different from last year. That was the year before the Affordable Care Act was implemented. I asked: How so? She said: A year ago, if you were one who was diagnosed with MS and you had insurance, you knew there was a good chance that your insurance was going to run out at the end of the year or they would hit a lifetime limit, and they wouldn't be able to pay for the care they needed. She said: If you didn't have insurance, you now have a preexisting condition that would prevent you from ever getting insurance.

She went on to say that the difference between last year and this year, because of the Affordable Care Act, is that now members in the MS community—those who had the disease and their family members who were supporting them all out at this fundraising walk—now knew their loved one would have the peace of mind that they would get the care they needed. This is what a healthcare system is all about, peace of mind, but MICK MULVANEY wanted to tear away that peace of mind. He proceeded to support shutdowns of our government, that would cost our country $21 billion—and to what purpose? To rip peace of mind away from 20 million Americans.

Back in 2015, he threatened to do it all again. The damage—the $21 billion he had stolen from the American Treasury in the context of damaging the government with that shutdown—he was ready to do it all again in order to make sure Planned Parenthood never gets a dime from the government. To be clear, not a single dime from the government goes to Planned Parenthood for abortions. In fact, the organization that has done more to decrease abortions than any other in our country is Planned Parenthood. The government funds Planned Parenthood for different purposes. They go to Planned Parenthood to do cancer screenings, breast cancer screenings, prostate cancer screenings, and a whole host of fundamental basic healthcare. They are the healthcare provider for 2.5 million American women. Just as he was ready to recklessly shut down the government to rip healthcare away from 20 million Americans in 2013, he was ready to defund these essential clinics serving 2.5 million Americans in 2015. That is a sign of someone who has lost their policy foundations and is acting in an irresponsible and unacceptable manner.

Let's talk a little bit about the Consumer Financial Protection Bureau. The CFPB was in response to a big problem in America, which was that we had no one looking out to shutting down predatory financial practices. It was the responsibility of the Federal Reserve, but the Federal Reserve had no devoted operational regulatory policy up in the penthouse—the top level, if you will. That is what the Chairman of the Federal Reserve paid attention to.
They took the responsibility for consumer protection and put them down in the basement, and they locked the door and threw away the key.

 Folks kept coming to the Federal Reserve saying: Hey, there is a major concern that these predatory mortgages and mortgage companies have these rates down in the basement, and they are going to destroy the families who get these mortgages. They are going to destroy their dream of homeownership and turn it into a nightmare. People went to the Federal Reserve and said: By the way, we now have these wire loans, where there is no documentation of income and people are being sold these loans that they have no hope of repaying. In addition, we have another predatory practice called steering payments, which are kickbacks to originators. So they are getting kickbacks to steer people into subprime loans with high interest rates rather than prime loans that they qualify for. What happened? The Federal Reserve ignored all of that. That is the foundation for the collapse of our economy in 2008.

So along comes Elizabeth Warren. Elizabeth Warren, as an advocate, not yet a Senator, comes to this body and says: By the way, we now have an agency that is finally watching out for predatory, fraudulent practices. And they are doing it.

What does MICK MULVANEY say about this? Is he going to take on Wall Street, but he actually matters very much? I think it is a sick, sad joke. So I asked him about this in committee. I said: You know, this agency that finally is watching out for working families so they are not prey to predatory, fraudulent practices. And he said: Yes, a sick, sad joke.

I asked: You know, they have returned funds to 27 million Americans. What other agency has fought for Americans in that fashion—returned funds to them from folks who were being victimized in a predatory fashion, to 27 million Americans. I didn’t change his view by raising that.

I said: You know, this agency, to those 27 million people, has returned $12 billion. There was $12 billion returned to people who were cheated; isn’t that a good thing? But I didn’t persuade him.

He said: You know, I don’t like the way this agency is set up. I want it to be a commission rather than an independent agency. I want the funds to be appropriated annually by Congress.

I can tell you exactly why he wants those provisions, because that is the way Congress, at the behest of Wall Street, can stop the airbags that supplies the oxygen to CPPB. They can stop the CPPB from functioning as a guardian, as a watchdog for consumers in America by simply defunding it.

We have a President who runs this country, who is taking on Wall Street, but MICK MULVANEY doesn’t want to take on Wall Street. He wants to do their bidding, to be able to shut down this agency that is finally fighting for financial fairness for working families. Wait. We have a President who said he is going to fight for working families. MICK MULVANEY should be backing the CFPB. He should be expanding the CFPB. He should be championing the CFPB, because this guy is not a backer to tear it down. That is deeply disturbing.

I see my colleague, the Senator from Hawaii, who is prepared to make remarks. I am going to wrap up my remarks.

There are more concerns that I have about the policy perspectives and how out of sync this nominee is with the promises the President made to fight for working Americans, the promises he made to take on Wall Street, the promises he made to protect Social Security, the promises he made to strengthen Medicare, not to tear it down. So for all of these reasons, I find MICK MULVANEY is not the right person to fill this post, and I encourage my colleagues to stand against confirming him in this capacity.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 16; that following the prayer and pledge, the morning hour be deemed excused; that the Journal of proceedings be printed; that for the last hour of the day, two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session, as under the previous order.

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

Order of Procedure

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent following the remarks of Senators SCHATZ, WHITEHOUSE, and HIRONO, the Senate resume morning business and then stand adjourned under the previous order.

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

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I stand and support my colleague, Senator GARDNER, in his remarks about this person, Mr. MULVANEY. He has shown consistent disregard for people who are some of the most vulnerable in this country.

I want to highlight just four issues to show why this person is the wrong person to be in charge of the OMB.

The first is Social Security. More than 80 years ago, President Roosevelt signed the Social Security Act into law. In doing so, he created a national plan to provide economic security for working Americans. Since then, Social Security has proven to be the most successful anti-poverty program in our history. Each year, it lifts more than 20 million Americans, including 1 million children, out of poverty.

It is hard to imagine a world without Social Security, but I want everybody to understand that pre-Social Security, we had tens of millions of Americans—more than we do now—who would be in poverty upon retirement. So this program has actually reduced poverty among the elderly more than any other program could possibly have accomplished.

Nowhere is Social Security more important than in Hawaii. More than half of all Social Security recipients in Hawaii are Social Security's only source of income. And the money just isn’t enough; it is about $14,000 a year. Just to give folks an understanding of Hawaii, we are considered the second or third most expensive housing market in the United States. We are after New York and sometimes in second place or third place, depending on where San Francisco is, but we are one of the most expensive places to live in the United States. For one in four Social Security recipients, that is all they get—$1,200 a month. Usually that will cover your apartment. That will not cover your electricity, it won’t cover your utilities, it won’t cover your gas, and it won’t cover your health care.

Today, most working households have little or no retirement assets at all, and many rely entirely on Social Security. This is partly because employer-provided pensions have little or no retirement assets at all, and many rely entirely on Social Security. This is partly because employer-provided pensions are becoming rarer.
that continues to work well. It is a uni-
versal guaranteed source of income that
workers earn and depend on when they
retire, but it is just not enough.
I will just add that it is only in
Washington, DC, where entertaining
the idea of Social Security is consid-
ered moderate or mainstream or conser-
vative, even, or adult. I mean, there is
this sense that the way we ought to fix the challenges we have fis-
cally as a country is to take it out of the
hand of people who get $1,200 a month to live.

Instead of strengthening the pro-
gram, Mr. MULVANEY's ideas are very
radical. He has said he wants to sys-
tematically alter Social Security by
raising the retirement age to 70 years
old. He wants to raise the retirement
age to 70 years old. This is not an ob-
scure person being appointed to an ob-
scure post; this is a Member of Con-
gress being appointed to be the head of
the Office of Management and Budget.
We are talking to vote on him tomor-
row, and everybody who says they are for
Social Security is about to vote for a
person who wants to raise the Social
Security retirement age to 70 years
old.

He has called Social Security a Ponzi
scheme. When he worked in the South
Carolina State Senate, he voted to de-
clare Social Security unconstitutional.
Again, he voted to declare Social Secu-


rh-down the Federal disallowing, all of it in the name of getting his way.
That would be terrible for the millions
of people who invest their savings in
the market for their retirement.
The Congressman has also voted sev-
eral times to shut down the Federal
debt ceiling, all because of getting his
way. I cannot emphasize enough
how dangerous his approach to govern-
ment is. It is one thing as a Member of
the House Freedom Caucus, as a Mem-
ber of the U.S. House of Representa-
tives—there are 435; you can take posi-
tions—but it doesn’t have quite the di-
rect impact that the Office of Manage-
ment and Budget does. He has put
party and partisan views over some of
the most fundamental and basic prin-
ciples of our government. To close the
Federal debt ceiling, to stop the bills,
to make people across the planet ques-
tion the full faith and credit of the
United States is beyond comprehen-
sion.

We should take a real crisis to pull
Congress away from the negotiating
table and all the challenges in front of
us. But it actually wasn’t a crisis that
led the Congressman to vote to close
our government; it was Planned Par-
thood and the ACA. While we may
have differences on healthcare and even on reproductive
choice and women’s health, those
disagreements should never get in the
way of the U.S. Government going
about its business. Yet Congressman
MULVANEY’s actions went against that
basic principle.

With respect to our Democratic insti-
tutions, the procedural violence that
was done to the U.S. Congress is hard
to overstate in this case. The idea that
a faction of a party would demand con-
cessions—and I think we remember
this—would demand concessions in ex-
change for satisfying their infliction of pain on the United States is unbeliev-
able. And why? Because we are all Ameri-
cans here. We all want to do right by our country. So the idea that
one party would be willing to inflict
terrible pain on the country, or else,
was so beyond the pale that there is no
rule against it, there is no law against it, why do you know there is no
rule and no law against it? It is be-
because nobody contemplated that a
major political party would behave
in such a way. The assumption has al-
ways been that elected leaders would find a
better way to stand up for their strongly
held beliefs than by ramming key to bring the American economy to its
knees. Up until the shutdown led by
the Congressman, that had been a safe
assumption.

In 2011, Congress’s delay in raising
the debt ceiling forced the Department
of Treasury to take what they call ex-
traordinary measures to ensure that
our government could pay its bills.
GAO estimates that this raised Treasury’s borrowing costs by about $1.3 billion in fiscal year 2011. That is $1.3 billion in added government costs just for coming close to defaulting. The bipartisan Policy Center projects that the full cost of the threat to the Federal Government alone—not to the private sector economy, just the Federal Government—was around $20 billion over the maturity of that debt.

There is nothing conservative about defaulting on what we owe. It cripples free markets. It is Russian roulette playing, with a bullet in every chamber. There is nothing conservative about that.

When the government closed in 2013, we paid Federal workers to stay home. I want everybody to understand what we ended up doing. Listen, it wasn’t their fault. These government employees are not the ones who screwed up; it was the Congress that screwed up. We paid dedicated Federal workers who wanted to do their jobs, not to do their jobs. We forced them to stay home and paid them anyway. I defy you to find a conservative outside of the Halls of Congress who finds that to be a conservative proposition. It is one thing to shut down the government for a couple of weeks and accrue the savings. I think that is inhumane, I think that is bananas, but at least you would save the money. These folks ended up paying all the money out and just forcing government to not do their jobs. This is not the left or right; this is upside down. We prevented Federal workers from doing their important work, like assisting small businesses and combating terrorism.

Ultimately, the 2013 shutdown was a bad move for our economy and for our budget. It cost us money instead of saving us money. In just the first week, it cost the economy $1.6 billion in lost economic output, and it cost about $160 million a day on the private sector side.

Worst of all, the Congressman has not seen the error of this. There were a lot of Members of Congress on both sides of the aisle who—in the heat of the battle, you sort of think the other side is going to back off and listen. We all learn lessons. We all make mistakes. There are a lot of Republicans who went through that shutdown and said: We never want to do that to the country again. But Congressman Mulvaney has not seen the error of his ways. He still believes the government shutdown was a good idea, and he said so at the confirmation hearing.

Senator McCaskill asked if he still thought the shutdown was the right way to go about things, and he answered yes. He answered yes. This kind of budget brinkmanship is not good for our government, to say the least, but it is certainly a bad fit for the person running the OMB.

The third issue I want to talk about is the Congressman’s rejection of the role of public health and science. If we look at some of the biggest issues our country faces, it is clear that we need an OMB Director who understands the value of science, research, and public health. But the Congressman has said that climate change is based on “questionable science” and “baseless claims.” He has accused if we need government-funded research at all. These are not the views we should see from the person who directs the budget of the executive branch.

In September of last year, Congressman Mulvaney posted a statement about Zika on Facebook. He said:

I have received all sorts of email and Facebook comments this week on Zika. Some people are against “sanitary” budgets (which I suppose means not paying for it with spending reductions elsewhere.) Other folks want us to fund more research if we can find a way to pay for it.

No one has written me yet, though, to ask what might be the best question: Do we really need government research at all? Do we really need government funded research at all?

In his statement, he goes on to ask questions that many have asked about what we are seeing in Brazil, as opposed to what we are seeing in Africa, specifically around Zika. But that is exactly why you do the research. It is not for a Member of Congress to referee how much money should go to CDC and play amateur scientist. We have expert agencies. The CDC did a good job, not just on Zika but on Ebola. They have done extraordinary work over the decades in keeping people safe. If he is saying there are some scientific mysteries remaining around Zika, that is absolutely true. That is why we need to give the CDC and the National Institutes of Health money to try to figure this out. Those questions are the very reasons we need government-funded research, not an excuse to get rid of it.

I want to be clear as to why this matters so much. I am not trying to catch him saying something that is a little off. There is a foundational, bipartisan consensus around public health research, and the person who has been nominated to be the budget director does not appear to believe in that research. This isn’t just out of the political mainstream. People will die if he implements his point of view.

Look at some of the diseases where government-funded research has had a significant impact on saving lives: Ebola, HIV/AIDS, malaria, polio, to name a few. We have made the advances we see today because the government invested in the research, and that has to continue.

Right around the time we debated funding for Zika, I visited the Centers for Disease Control and Prevention, or CDC, in Atlanta to learn more about their fight against Dengue, and other diseases. I left Atlanta feeling totally confident that the CDC will help our country with challenges like Zika. Millions of Americans are counting on the government to maintain that confidence. But that can happen only if CDC has the strongest funding possible so they can continue to do their good work.

Taking money away from the Prevention and Public Health Fund would strip the CDC and other important agencies of the funds they need to protect our country from within and from without. That is what happened in Congressman Mulvaney’s legislation. It forces them not to fully step up to the plate and do its job in addressing Zika. Because of that, we forced the Obama administration to pull money from the CDC to address Ebola or from States to address other public health risks. We adopted public health infrastructure planning across the world that we still need to make sure that Ebola never ravages communities again.

Regardless of your side of the aisle, we can all agree this is the one thing that government has to do; that is, to keep us physically safe. Investing in CDC and other agencies that protect our citizens from diseases shouldn’t depend on our philosophy of deficit management. Unless you believe in, literally, no government, this is money well spent. This is the kind of thing the government does. We cannot walk away from our responsibility to fund good research that saves lives, but that is exactly what Congressman Mulvaney suggests we do.

He has also made deeply disturbing comments about the science behind climate change. There can be no doubt that climate change is real, that it is caused by humans, and that we have a responsibility to take action. We ignore the science that shows us this at our own risk, and it is a risk our country cannot afford.

The fourth and final issue I want to touch upon is healthcare—specifically, Medicare and Medicaid. I am a little worried that people feel reassured because of the rhetoric they heard last year from the President. He didn’t reassure his voters that he was going to save Medicare and Medicaid and protect it from cuts. He promised several times that he wouldn’t make any cuts to Medicare or Medicaid. But when a Senator reminded Congressman Mulvaney about this during his confirmation hearing, he did not say he would support the administration’s promises to the American people. He said that he would advise the President to break the promise and change Medicare, Medicaid, and Social Security.

He wants to cut Medicaid—a program that millions of people rely upon. More than 50 years ago, when Medicaid was created, Congress made a really smart decision and designed the program so that if and when healthcare costs rise or the economy starts to struggle, Medicaid would be there for the American people, no matter what. Now the legislative branch did not do that.

The President seems to have a really smart decision and designed the program so that if and when healthcare costs rise or the economy starts to struggle, Medicaid would be there for the American people, no matter what. Now the legislative branch did not do that.
ally governing, delivering services to
That is why Republican Governors—
help any State to meet their needs.
That is just nonsense. That will not
up an increasingly smaller pie. I am
and then they can sit there and divide
ten out or cut the amount a State gets,
control as a reason to move forward
ation.
ally wealthy, Medicaid is the way
particularly or negatively, but I want every-
body to understand what block-grant-
ing Medicaid means: It means cutting
Medicaid. That is exactly what it means.
and this administration and people nomi-
nated to be part of this administration
share that view, and they have a long
history to back it up.
The term “block grants” is a euphe-
ism. It is not quite a lie, but it is a
way to describe something so you don’t
know what it is. They are calling it
a block grant because they don’t want
to say they are cutting Medicaid.
That is what they are doing; they are
going to cut Medicaid, and the cuts
will hurt millions of people. They will
hurt working families.
Everybody understands Medicaid is
there for the economically indigent, in
the case of an emergency. But the
thing that people also don’t recognize
and that is a really important aspect
of that program—but it is also really
important for nursing home care. That is
not just an issue for people who are
down on their luck financially or while
they are young or while they are par-
teins. When people get older, it is really
difficult to afford nursing home care.
For most people who are not extraor-
dinarily wealthy, Medicaid is the way
to handle nursing home care. It is re-
imburseable.
I know that nursing home care in Ha-
waii costs $8,000, $9,000 a month. I don’t
know anybody who can run through
$8,000, $9,000 a month for very long. I
know a couple of people, but most peo-
le I know that that without Med-
icaid. Certainly, Medicaid is an issue
that affects the very poor, but it also
affects the rest of us. It affects people
who aren’t just lying on a pile of cash
to take care of their grandmother or
their mother or their father or their
spouse when they are in their golden
years.
These cuts will hurt women who need
Medicaid for maternal health services,
as well as seniors and people with dis-
ability. These people have nowhere
else to turn. Medicaid is their only op-
tion.
Some people point to expanded local
control as a reason to move forward
with block grants. That is just non-
sense. They are basically going to flat-
ten or cut the amount a State gets,
and then they can sit there and divide
up an increasingly smaller pie. I am
not sure if that is even a euphemism.
That is just nonsense. That will not
help any State to meet their needs.
That is why I opposed the Republican
Governor in anybody with responsibility for actu-
ally governing, delivering services to
their constituents—don’t want to cut
Medicaid. They don’t want to reduce
Medicaid expansion under ACA, and
they certainly don’t want a block grant because they know what
that will mean. Even if you are a fiscal con-
servative, if you are in charge of a State,
you understand exactly what is going to happen to your constituents if
Medicaid is cut.
This is another instance of a party
that promised not to touch Medicaid.
But here we are, debating a nominee to
lead the OMB who wants to make cuts
to this program. This is a deal breaker
for me and for many others, and it will
be a disaster for millions of Americans.
That is why today we have to stand up
for seniors, for women, for children and
citizenship careers trying to destroy
that starts with voting no on this nomination.
I have heard about Congressman
MULVANEY from hundreds of people
from the State of Hawaii. I want to
share a few of the messages that I have
received from Hawaii.
Here is what one man from Oahu
wrote:
As a researching scientist, I recognize the
very significant damage these appointees
will have on US health and competitiveness
in the world.
A break in research funding, or politically-
directed and censored research, impacts long
research. A break in into a hiatus can result in
many years set-back of programs and result-
ing societal benefits.
A woman from Volcano Village on
the Big Island sent me this message:
[The] nominees in [the] administration’s agenda lies in [the]
nominees for the department of Health and
Human Services and the Office of Man-
agement and Budget who have spent their con-
gressional careers trying to destroy [Social
Security, Medicare, and Medicaid].
Another woman wrote me with this:
[The] nominees for HHS and OMB are
walking disasters for the department they’d
lead.
Both have spent their congressional ca-
cers trying to destroy [Social Security,
Medicare, and Medicaid]. Oh, yes, and the
ACA/Obamacare, which has proven to be re-
soundingly popular.
We are hearing from so many people
on these issues because they under-
stand how this works. They understand
that personnel is policy. You don’t get
to say you are for protecting Social Se-
curity, and then vote for someone who
wants to eliminate Social Security as
we know it. You don’t get to say you are
for protecting Medicare and Med-
icaid, and then vote for someone who
has made a career to elimi-
ating or at least seriously under-
imining this program.
If you want to increase the Social Se-
curity retirement age, then this is your
nominee. If you aren’t opposed to see-
ing our country go through a series of
precipices with the shutdown of the
Federal Government—from the huge
drops in the market to the closing of
our National Parks—then this is your
nominee. If you think Federal invest-
ments in public health, disease control,
and training and education programs mat-
ter, and why financial and fiscal sta-
bility matters. Ultimately, he needs to
know that government matters and
that it can make a difference in peo-
lies’s lives. It determines how bright to-
morrow can be for our kids and
grandkids and how safe of a world we
can create for them.
Congressman MULVANEY does not
have that record or a confirmation
hearing that can convince any of us that he understands the potential
we all have—the obligation we have—
to make the right investments that re-
fect who we are and the future that we
want to see.
That is why I will vote no on this confirmation, and
I urge my colleagues on both sides of
the aisle to join me.
Mr. President, I yield the floor.
I suggest the absence of a quorum.
Mr. President, I ask unanimous consent that the order for
the quorum call be rescinded.
The PRESIDING OFFICER. Without
objection, it is so ordered.
Ms. HIRONO. Mr. President, I ask
unanimous consent that the order for the
quorum call be rescinded.
The PRESIDING OFFICER. Without
objection, it is so ordered.
Ms. HIRONO. Mr. President, the Di-
rector of the Office of Management and
Budget, or OMB, is probably the most
powerful Federal job that most Ameri-
cans will never hear of, because we were
to ask five out of five regular people
whether they have even heard of the
Office of Management and Budget, or
its importance. I would say that prob-
ably five of them would say: I have
never heard of it; what do they do?
The Director of OMB has broad dis-
ccretion to develop Federal regulations
and to set spending priorities across
the government—spending priorities
across the government. I think we
should make sure that this person ac-
ually cares about service to the people
of America.
For example, if the Defense Depart-
ment needs more resources for our
troops, OMB has to sign off. If the En-
vironmental Protection Agency wants to
protect our common wealth of air
and water pollution, OMB has to sign
off. If the President wants to cut Social
Security, Medicare, and Medicaid
under the guise of “saving money,” the
OMB Director is responsible for imple-
menting the policy.
Given the tremendous power invested
in this position, the next OMB Director
should, at a minimum, believe in the

February 15, 2017
CONGRESSIONAL RECORD — SENATE
S1213
central government functions he or she will be tasked to carry out. That is why I strongly oppose the nomination of Congressman Mike Mulvaney to serve as the next Director of the Office of Management and Budget.

Congressman Mulvaney came to Washington at the very right fringe of the tea party wave in 2010. Since then, he has consistently pursued policies that would be disastrous for our economy, for the most vulnerable members of our society, and for America’s seniors—our kupuna.

Congressman Mulvaney has been one of the strongest proponents for privatizing and voucherizing Medicare and dismantling Medicaid during his time in Congress. In 2011, while explaining his support for the draconian, really terrible Republican budget that would have destroyed the social safety net and gutted funding for nearly every domestic program—nearly every domestic program you can imagine—the thousands and thousands of domestic programs people across the country are relying upon—Congressman Mulvaney said:

Two nights ago, there was a group of Republicans in the House of Representatives who voted to dramatically overhaul Medicare and Medicaid and lightning did not strike us. If that is not a sign that maybe things can be different around here, I don’t know what is. So I’m hoping that—I hope we have that exact debate over the course of the next years.

Let me be clear, Congressman Mulvaney was gloating over a bill that would be devastating to millions of seniors and Americans on Medicaid and Medicare. If confirmed, Congressman Mulvaney would not just be one extremist in the House of Representatives; he would be the person—the one person—responsible for developing, rolling out, and implementing the President’s budget and his priorities.

With this power, he would be in a position to do his heart’s desire— all of the things he worked on as a member of the tea party and a Member of the House of Representatives. He could destroy programs like Medicare and Social Security, which more than 200,000 seniors in Hawaii and tens of millions across the United States depend on every single day. There are things we can do to fight back.

Last month, I fought alongside my friend and colleague from Indiana, Senator Joe Donnelly, to prevent Congressman Mulvaney from becoming the next Director of OMB. I was in the House in 2011 when Congressman Mulvaney joined a group of Republicans who voted to dramatically overhaul Medicare and Medicaid and his Republican allies were all too happy to pass along to the American taxpayers to pay.

Congressman Mulvaney’s record clearly demonstrates why he is unfit to serve as the Director of the Office of Management and Budget. He wants to balance the budget on the backs of seniors and other vulnerable communities. He believes in governing from fiscal crisis to fiscal crisis. It isn’t even clear if he supports the mission of the department he has been nominated to lead.

Congressman Mulvaney joins a list of nominees—many of them confirmed at this point, sadly—ranging from an Education Secretary who does not believe in public education to a Secretary of Health and Human Services who wants to basically dismantle Medicare, Medicaid, and Social Security not far behind.

This vote demonstrated that there is bipartisan opposition to dismantling the budget on the backs of our seniors. This is exactly what Congressman Mulvaney wants to do. He has called Social Security a Ponzi scheme, Ponzi schemes are illegal, but he calls Social Security—a program that millions and millions of people throughout our country rely upon—a Ponzi scheme and supports raising the eligibility for it to 70 years old.

When he was in the South Carolina legislature, he even supported a bill that said that Social Security was unconstitutional. I would say even the most conservative person would not deem Social Security to be unconstitutional, but that is the kind of position Congressman Mulvaney takes. His positions on Medicare, Medicaid, and Social Security are enough to disqualify him from serving as OMB Director.

We do not need an ideological flame-thrower like Congressman Mulvaney at the helm of OMB. Sadly, there is more. Congressman Mulvaney is a debt limit denier. To demonstrate the point, I wish to read his response to a question he received from the Budget Committee:

I do believe that defaulting on America’s debts would have grave worldwide economic consequences. I do not believe that breaching the debt ceiling will automatically or inevitably lead to that.

Not only is this statement wrong, but it contradicts itself. I was in the House in 2011 when Congressman Mulvaney and his colleagues played political games with the debt limit. I can tell you that the stock market did not like this assessment that there wouldn’t be an immediate negative impact. Here is what happened over the course of a week. The stock market lost $1 trillion in value—$1 trillion in value. Standard & Poor’s downgraded the U.S. credit for the first time in our country’s history.

The Government Accountability Office later found that the standoff increased our borrowing costs by $1.3 billion, which Congressman Mulvaney and his Republican allies were all too happy to pass along to the American taxpayers to pay.

Congressman Mulvaney’s record clearly demonstrates why he is unfit to serve as the Director of the Office of Management and Budget. He wants to balance the budget on the backs of seniors and other vulnerable communities. He believes in governing from fiscal crisis to fiscal crisis. It isn’t even clear if he supports the mission of the department he has been nominated to lead.

Congressman Mulvaney joins a list of nominees—many of them confirmed at this point, sadly—ranging from an Education Secretary who does not believe in public education to a Secretary of Health and Human Services who wants to basically dismantle Medicare, Medicaid, and Social Security not far behind.

I ask my colleagues, when does this list of nominees come to a stop? I say, at the very least, someone with the power of the Director of OMB is where we should be drawing the line, unless we want one who thinks that defaulting on our national debt is not a problem, unless we think that hurting millions and millions of seniors on Social Security and Medicare is not a problem.

As though Congressman Mulvaney perhaps has not encountered enough people in his time in public service who have come to him to share their stories of the devastation that would come into their lives if these safety net programs were not there for them. Maybe if they have come to talk to him, he hasn’t listened very well.

I encourage my colleagues to hold the line at this point and to oppose this nomination. Congressman Mulvaney is not the person for OMB.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

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

Mr. WHITEHOUSE. Mr. President, we are considering the nomination of Congressman Mulvaney to become the Director of the Office of Management and Budget. In the context of the review of this nomination, there has been a lot of talk about Congressman Mulvaney being a “strange shooter.” I do appreciate his courtesy meeting with me and his participation in our Budget Committee confirmation hearing last month, but I have to say that his 6-year record in the House of Representatives makes it completely impossible for me to vote for him as our Nation’s chief budget officer.

He may be a strange shooter, but he shoots straight at the wrong targets. As an education secretary who does not believe in public education, he is the worst he could possibly be for the United States of America. In the House of Representatives, Congressman Mulvaney repeatedly put our economy in jeopardy by voting to let the Federal Government default on its obligations. He had an opportunity after his nomination, when he came before the Budget Committee, to pivot to a more mainstream and responsible position, but he refused. In an answer to a prehearing question he said:

I do believe that defaulting on America’s debts would have great worldwide consequences. I do not believe that breaching the debt ceiling will automatically or inevitably lead to that result.

Well, if you breach the debt ceiling, and if you honor the debt ceiling law, that means that our government would not have the money to pay all of its bills. Something has to be defaulted on or the debt ceiling is a complete chimera.

For Congressman Mulvaney’s completely unsupported faith that a default on some of our Nation’s obligations might not have grave consequences ignores basic economics, and it ignores the guidance
of liberal and conservative economists and experts alike, including Douglas Holtz-Eakin, Benjamin Bernanke, Hank Paulson, Janet Yellen, Jack Lew, and many, many others.

In fact, many of my Republican colleagues in this room were gravely concerned about what happened if we blew through the debt ceiling, and that we perhaps had made a bet we would be unable to pay. To put it simply, lenders tend to charge more for riskier loans, and a borrower that won’t pay all of its bills on time is riskier than one that does.

Tom Donohue of the U.S. Chamber of Commerce is not someone that I ordinarily cite favorably here in the Senate. He is an inveterate enemy on doing anything on climate change. He and I disagree on a great number of issues, but even Tom Donohue noted that a small increase in treasury rates, which would happen as the result of a default, "would translate into hundreds of thousands of jobs lost every year."

A member of the self-styled “shut-down caucus,” Mr. MULVANEY chooses to ignore the fact that his fiscal brinkmanship has already cost the American people and the American economy $24 billion. That is shooting straight at our economy just to prove a political point. That is not the kind of straight shooter that we need. Of course, that doesn’t even mention the unnecessary stress that the shutdown caused for millions of government contractors who weren’t sure they would be paid. There is pain and there is damage from the reckless decisions that Congressman MULVANEY seems to make so easily.

Congressman MULVANEY’s blind faith is not limited to economics. He disregards science too. In response to questions I asked him at the hearing, he said he is not convinced by the evidence presented, something other than being a straight shooter is going on.

According to NASA, for instance, the National Aeronautics and Space Administration—which, by the way, right now is driving a rover around on the surface of the planet Mars. So can we perhaps stipulate that the scientists at NASA know what they are talking about? No other country in the world, no other country in the history has had the capacity to launch from Earth a rover, fly it through space to Mars, land it safely on that other planet, and drive it around. We can do that. NASA scientists did that. So when NASA scientists say, ‘NASA studies published in peer-reviewed scientific journals show that 97 percent or more of actively publishing climate scientists agree climate-warming trends over the past century are extremely likely due to human activity’—so essentially all the experts agree.

His home State university, the University of South Carolina, teaches this. They don’t just listen to it, they teach it. They understand what is going on. But MULVANEY is not convinced. What is it going to take to convince him? How can you be a straight shooter when you ignore this kind of certainty in science, particularly when around this building you see the circulating menace of the fossil fuel industry always with its guns out, always trying to shoot down anybody who will disagree with them, always trying to pretend that climate change isn’t real, always trying to defend a $700 billion-a-year industry always at the expense of the rest of America? And because, thanks to Citizens United, they have the capacity to spend enormous, unlimited amounts of money in politics, they can spend a great deal to protect that $700 billion in subsidies, and they only say that they are going to put on the table for discussion.

So we do nothing about climate change here. You can’t get a Republican to talk seriously about climate change here. The oceans are changing off of their States, and they don’t talk about climate change here. Their universities are saying that climate change is real. Their universities are teaching that climate change is real. And they won’t say one thing about climate change here. And this so-called straight shooter is going to go along with that racket rather than listen to his home State universities and to the scientists at NASA, who have put the rover on Mars? Give me a break.

While this man claims to be a deficit hawk, I asked him if he was ready to take on the hundreds of billions of dollars that go out the back door of our tax code in tax benefits, tax loopholes, in tax benefits for special interests, and he wouldn’t give me a straight answer to the question.

From his record in the House, it appears pretty clear that Mr. MULVANEY would rather balance the budget by going after seniors, by going after Social Security, by going after Medicare, by going after the families who have children on Medicaid because their children have lifetime disabilities that require Medicaid support. Those are the targets. That is who this so-called straight shooter wants to shoot at. But as for, say, the tax benefit that lets billionaires depreciate their private jets faster than the rest of us, he said he can’t touch that. As for the tax loophole that lets carried interest Wall Street billionaires pay lower tax rates than their doormen, than their janitors, oh, no, can’t possibly touch that. As for the subsidies we give through the Tax Code to the fossil fuel industry every year when they are the most lucrative corporations in the history of the planet, oh, no, we can’t possibly do that. Let’s go after the old folks. That is not being a straight shooter; that is shooting at the wrong people.

Someone who is a straight shooter when it happens to agree with the politics that they like but is a flatout denier when it doesn’t, that is not my idea of a straight shooter.

Congressman MULVANEY is possessed by conservative ideology that I strongly believe is going to prevent him ever from working across party lines on the biggest issues that he will have to face at OMB. His counsel is likely to pull President Trump further out to the extremes, which already divide this country.

And by the way, to all of those voters who voted for President Trump because he said that he was different from all the other Republican candidates; that he was different from the other 15 candidates because he wasn’t going to hurt Social Security and was going to protect Medicare; that he was different from all the others because he was going to protect Social Security and he was going to protect Medicare—folks, I think you were sold a bill of goods because when you look at the votes of Congressman PRICE and when you look at Congressman MULVANEY and when you look at their records, you see the records of people who have targeted Social Security and targeted Medicare for years. They may be some of the most strident, but they have Social Security and Medicare in the crosshairs. Those are not the right targets for us to be shooting.
at in a tax system that is riddled with special interest loopholes and in a country that is so divided and where the poor and the elderly are struggling compared to the people who are at the very top, who have basically gathered all of the economic benefit of our growth since the great recession.

So, for all of those reasons, I will be completely unable to support this person’s confirmation. I am sorry because I would like to have seen the President make the slightest gesture in the direction of bipartisanship, the slightest gesture in the direction of reasonableness, but out of this White House, on the civilian Cabinet, we have seen nothing like that.

It is a Cabinet that is completely controlled by rightwing ideology and appalling special interests. Usually, the special interests are the most dangerous and worst special interests that the agency has to regulate. Instead of accepting that as the agency’s responsibility, they brought that special interest in, brought the fox into the henhouse. If there was ever a fox in the OMB henhouse to take our Social Security folks and our Medicare folks and hurt them, it is this Congressman.

I cannot accept his nomination. I will vote against it.

I yield the floor.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SCHUMER). Mr. President, I rise to speak on the potential repeal of the Social Security Administration’s rule that helps keep guns out of the hands of those with a severe mental illness. I voted no.

First, I want to point out that this rule only addresses a shortcoming in the existing background check law that Congress passed legislation to address. We use the National Instant Criminal Background Check system to prevent criminals and the adjudicated mentally ill from purchasing firearms. In order for the FBI to have access to all the data they need to run those background checks, Congress passed the NICS Improvement Act in 2007—in bipartisan fashion, signed into law by President George W. Bush, hardly a gun safety activist—to instruct Federal agencies to send information to the NICS system about criminal records and mental illness.

This rule at the Social Security Administration is simply implementing that bipartisan law.

Second, let me underscore the point, this rule only applies to those who have severe mental health disorders, like schizophrenia. These are folks who, because of their disorder need assistance managing their own affairs and are so severely impaired that they cannot hold down a full-time job. It simply requires the Social Security Administration to pass that data on to the NICS background check system so the FBI can stop gun sales to the seriously mentally ill.

It doesn’t get much more common sense than that.

Frankly, I find it absurd that the Republicans have chosen to repeal this rule as one of their first priorities in this Congress.

Does the Republican majority really think it is wise, as my colleague from Connecticut asked, that folks who are so severely mentally ill that they cannot work and require assistance managing their finances should be assumed to be able to responsibly own and protect a gun.

Mental illness is a serious topic. We have debated it many times in this body—how to better provide for treatment, how to decrease the stigma surrounding it—but I don’t remember the part where we debated whether it was wise or not to allow folks with a severe, almost incapacitating, mental illness to easily purchase a gun.

Gun violence takes far too many lives each year. At the very, very least, we should be doing all that we can to prevent criminals, potential terrorists, and the adjudicated mentally ill from purchasing firearms; yet Republicans consistently line up behind the NRA to block or repeal policies that would do those things—even though 8 or 9 out of every 10 Americans supports them, though a vast majority of gunowners support them.

Whenever Republicans talk about gun violence, they say, “Let’s enforce the laws on the books!” Well, as I mentioned, this regulation does just that; it implements the NICS Improvement Act that Republican President George W. Bush signed into law.

Today, Republicans are calling their own bluff; they are not interested in enforcing the laws on the books—they just want to repeal them, even when that puts innocent American lives at risk.

If Republicans have a problem with this rule, they should have pushed the Social Security Administration to modify it, rather than repealing it outright and blocking any similar rule-making on the subject, which is what this CRA would do.

Thank you.

NOMINATION OF SCOTT PRUITT

Ms. COLLINS. Mr. President, after careful consideration, I have decided to oppose the bipartisan confirmation of Scott Pruitt, the nominee for Administrator of the Environmental Protection Agency, EPA. I have met at length with Mr. Pruitt, who is an accomplished attorney with considerable knowledge about environmental laws. We discussed many important environmental issues about which I care deeply—from EPA’s enforcement of landmark environmental laws, including the Clean Air Act and the Clean Water Act, to climate change and the Clean Power Plan, to protections from harmful pollutants such as lead and mercury, I also have reviewed testimony from his confirmation hearing.

Keeping with past practice, regardless of which party is in the White House, I will vote for cloture on his nomination so that every Senator can have a clear, up-or-down vote on this important nomination of a member of the President’s Cabinet. But I will vote no on Mr. Pruitt’s confirmation.

The fact is Mr. Pruitt and I have fundamentally different views of the role and mission of the EPA. That does not mean that I agree with every regulatory action that EPA has taken. At times, the Agency has been difficult to work with and unresponsive to bipartisan congressional concerns, but the Agency has a vital role in enforcing landmark laws that protect not only our environment but also public health.

Specifically, I have significant concerns that Mr. Pruitt has actively opposed and sued the EPA on numerous issues that are of great importance to the State of Maine, including mercury controls for coal-fired power plants and efforts to reduce cross-State air pollution and greenhouse gas emissions. His actions leave me reasonable doubts about whether his vision for the EPA is consistent with the Agency’s critical mission to protect human health and the environment.

The State of Maine, located at the end of our Nation’s “air pollution tailpipe,” is on the receiving end of pollution generated by coal-fired power plants in other States. Reducing harmful air pollutants is critical for public health, particularly for those affected by reduced emissions reductions for lessening the impacts of climate change that affect the State of Maine, including mercury, which has among the highest rates of asthma in the country. Controls for mercury, one of the most persistent and dangerous pollutants, are especially important for children and pregnant women. Moreover, there is no doubt that the greenhouse gas emissions driving climate change pose a significant threat to our State’s economy and our natural resources, from our working forests, fishing, and agricultural industries, to tourism, to education. The opposition to the nominee expressed by Friends of Acadia is grounded in concerns about the importance of emissions reductions for lessening the impacts of climate change that affect the State of Maine, including mercury.

The changes we are already seeing in the aquatic life in Casco Bay and the Gulf of Maine, for example, are cause for alarm. The incidence of Lyme disease in northern Maine and high asthma rates are also linked to environmental changes that threaten the health and well-being of too many Maine people.