

about healthcare reform in 2009, when the Affordable Care Act was being debated. He said—these are MITCH MCCONNELL's words:

We shouldn't try to do it in the dark. And whatever final bill is produced should be available to the American public and to Members of the Senate for enough time to come to grips with it. There should be and must be a CBO score.

Let me repeat that. "There should be and must be a CBO score." I would ask our leader, are we going to have one before he rushes this bill to the floor? I hope so. "We are going to insist," he said, "that it be done in a transparent and fair and open way."

Well, the majority leader delights in pointing out instances when Democrats seemed to go back on something they said. So I certainly hope he follows his own advice from 2009 now that he is majority leader. We hope to see a published bill, with Senators given time to review, and a CBO score before anything moves forward—a fair, open, and transparent process, as he said.

I know why he wants to move so quickly. The majority leader knows how bad the bill actually is. In fact, the consequences of TrumpCare are so bad that Republicans are talking about other phases of the plan, promising a second and third prong that will somehow make this bill better for American people down the road. They say to their colleagues: Well, this bill is bad, but we will change it in the second and third prongs.

Well, that is a diversion. If Republicans can't live with this bill, they should shelve it because those other prongs are either not going to happen or will make it worse.

I can speak with some authority on the third prong. It is going to require 60 votes. That is what will be needed for the Republican legislation to make more changes to our healthcare system—60 votes, which means at least 8 Democratic votes.

I warn my Republican colleagues: Once you repeal ACA in this fashion—just ripping it out, having nothing good to put in its place—our healthcare system is going to be too messed up to resuscitate it with piecemeal legislation down the road. Even my Republican friends, Senators on the other side of the aisle, said as much. My friend, the junior Senator from Texas, Senator CRUZ, said: "Anything placed in so-called bucket three won't pass." You are right, TED. If we want to pass real reforms, we have to do it now and on budget reconciliation. Senator CRUZ is right again.

My friend, the junior Senator from Arkansas, Senator COTTON, freely admits that "there is no three-phase process. There is no three-phase plan. That is just political talk. It's just politicians engaging in spin." Senator COTTON, I couldn't have said it better myself.

All Republicans in the House and Senate should hear this: Democrats will not help Republicans repeal and

replace the Affordable Care Act—in one phase, two phases, or three phases. This TrumpCare bill would cause such immense damage to our country, its citizens, average working families who are going to be paying more and getting less, we are not going to be complicit. But we will work with our Republican colleagues to improve the existing law.

If the President and the majority leader say "All right, we are not going to repeal; let's work on some changes," we will do it with them. Of course we will listen. But they have to drop repeal first.

Again, I urge my friends on the other side of the aisle to drop their repeal efforts, drop TrumpCare—non-negotiated, not a drop of bipartisanship in it—and come negotiate with Democrats on improvements to the Affordable Care Act. Turn back before it is too late—too late for the American people who will be hurt and too late for all of you who will also be hurt as you try to defend TrumpCare in the next few years.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. TOOMEY). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, equally divided, with Senators permitted to speak therein, with the majority controlling the first half and the Democrats controlling the final half.

The Senator from Missouri.

NOMINATION OF NEIL GORSUCH

Mr. BLUNT. Mr. President, I am here today to discuss the nomination of Neil Gorsuch to serve on the U.S. Supreme Court. So far this year, we have heard that it is too early to do everything, that the process of putting the President's Cabinet in place, which took longer than any administration since George Washington and is still not completed, was somehow too early. We heard that every single nominee was being handled too quickly, even though every previous President since the first President has managed to have a Cabinet confirmed by the Senate quicker than this one.

Clearly the process going on right now—hours of questioning beginning today for Judge Gorsuch, who has a 10-year record as an appeals judge on the Tenth Circuit, where all of the other judges in the district courts under the Tenth Circuit's jurisdiction see their cases go to be appealed.

The Supreme Court is "distinctly American in concept and function," according to Chief Justice Charles Evans

Hughes, and there is, frankly, nothing quite like it in any other constitutional government. It is a Court that was supposed to be part of this very unique at the time idea of a government that was so finely balanced that it would run itself, a machine that was so finely balanced that it didn't take a King, it didn't take the intervention of somebody to decide who would be the one person who would run the country.

The Supreme Court—the only Court mentioned in the Constitution—is a uniquely American court. In the history of the country, only 112 people have had the honor to serve on the Supreme Court. On the last day of January, President Trump nominated Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth Circuit to be one of those unique individuals who get to serve on this Court, to be an Associate Justice on the U.S. Supreme Court.

Since his nomination, he has visited individually with a significant majority of Members of the Senate. I think he has had 70 visits with Members of the Senate in their offices. Many of my colleagues on the other side—several of whom I will mention in a minute—voted for Judge Gorsuch to have the job he currently has. Many of my colleagues on the other side of the aisle left their meetings with Judge Gorsuch impressed by his character, by his intellect. Here is what just a couple of our colleagues on the other side said:

"He did a very good job in the meeting with me. He presents himself very well."

Another one of our colleagues said: "He's a very caring person, and he's obviously legally very smart. . . . I think we are dealing with someone who is impressive."

Another one of our colleagues said they "had a thorough conversation about the importance of the rule of law and of a judiciary that is independent of the executive and legislative branches of government."

As more Senators had a chance to meet Judge Gorsuch, they came to see him as an independent-minded judge who has a deep appreciation for the law and a real understanding of what a judge should do.

It was mentioned earlier that the judge should be required to talk about how he would rule on individual cases. Of course not. In fact, Ruth Bader Ginsburg, who is on the Court now, was very strident before the committee in pointing out that it would be wrong for a judge to explain how they would judge an individual case. She said that if a judge did that, a judge would actually have to recuse themselves, in her opinion, from the case, and others on the Court today have all said similar things when asked the kinds of questions that the minority leader just said that Judge Gorsuch would have to answer if he was going to be confirmed to the Court. If that was the test, there would be nobody on the Court today, and if that was the test, none of the 112 people who have served on the Court

would have, in all likelihood, passed that test.

When I had a chance to visit with Judge Gorsuch, it was clear that he understood the proper role of a judge. The role of a judge—the job is to adhere to the Constitution, to apply the rule of law, and not to legislate from the bench.

When he was nominated by President Trump, Judge Gorsuch said:

It is for Congress and not the courts to write new laws. It is the role of judges to apply, not alter, the work of the people's representatives. A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers, rather than those the law demands.

What does that mean? How would a person reach a conclusion they didn't like and that is what makes them a good judge? Well, a good judge reads the law, reads the Constitution, and applies the law. A good judge doesn't try to determine what the Constitution and the law should say but only has the job of determining what the Constitution and the law do say.

Justice Scalia—the vacancy Judge Gorsuch will fill—according to Justice Scalia, setting aside personal views is “one of the primary qualifications for a judge”—not determining what you would like to happen but determining what the law and the Constitution say has to happen. I think Judge Gorsuch understands that.

He comes to the Court very well prepared. He is a graduate of Columbia University, Harvard Law School, and Oxford University. His academic credentials are unrivalled in preparation for this job. He served his country admirably as a Supreme Court Justice clerk for Justice Byron White, who was appointed to the Court by President Kennedy and confirmed by the Senate, and Justice Anthony Kennedy, who was appointed to the Court by President Reagan. Judge Gorsuch served as the Principal Deputy Associate Attorney General, and then in 2006, President George W. Bush nominated him to serve on the Tenth Circuit Court of Appeals. The Senate confirmed his nomination unanimously by a voice vote. There are 12 Democrats currently serving in the Senate who were then in office and supported Judge Gorsuch's nomination 10 years ago to the job he has today.

In the decade Judge Gorsuch has served as a circuit court judge, reviewing the work of other Federal judges on appeal, he has demonstrated the integrity, professional qualifications, and judicial temperament to serve on the Nation's highest Court.

Judge Gorsuch said recently that judges are not politicians in robes. It is not the job of a judge to determine what the law is or should be; it is the job of a judge to determine what the law is. The job of a judge is to determine what the Framers intended the Constitution to say.

Judge Gorsuch received high praise from legal experts across party lines.

He has gotten the highest level of recommendation from the American Bar Association, unanimously rating him as “well qualified,” its highest rating. He is respected by people who know him in his community. He has really dedicated himself to a lifetime of service that prepares him for this job.

The Supreme Court is one of the foundational institutions of our country. It is designed to protect our democracy and is designed to really understand and apply the Constitution and the law so that the rule of law is uniquely dependable in the United States of America.

If you are a citizen and you read the law and you understand what the law says, that should get you a long way toward success before the courts and ensures that in this country, the rule of law matters. The ultimate determinant of what the law says is the Supreme Court.

I think Judge Gorsuch will serve well and I hope long on the Court. I believe that in the next couple of weeks, he will join the Justices, one of whom he clerked for. If that happens, he will be the first person in the history of the country to be sitting as an Associate Justice with another Associate Justice who decades earlier he was the law clerk for when he and Associate Justice Kennedy had an opportunity to serve together.

With that, I notice my colleague from Iowa is here, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, I rise today to praise President Trump for selecting an eminently qualified nominee in Judge Neil Gorsuch to be an Associate Justice of the U.S. Supreme Court. No one can dispute the academic credentials and intellectual rigor of Judge Gorsuch. In fact, even a former Acting Solicitor General under President Obama, Neal Katyal, called Judge Gorsuch “one of the most thoughtful and brilliant judges to have served our Nation over the last century.” Just yesterday, he joined the Republican and Democratic Senators from Colorado in introducing Judge Gorsuch at his confirmation hearing before the Senate Judiciary Committee.

Judge Gorsuch graduated with honors from Columbia University and then Harvard Law School. He later earned a doctorate in legal philosophy from the University of Oxford. Prior to becoming a judge, Neil Gorsuch was Principal Deputy to the Associate Attorney General and Acting Associate Attorney General at the Department of Justice, worked as a litigator in private practice, and served as a law clerk to Supreme Court Justices Byron White and Anthony Kennedy. Moreover, earlier this month, the American Bar Association's Standing Committee on the Federal Judiciary rated Judge Gorsuch “well qualified,” its highest rating.

One of my constituents who went to high school with Judge Gorsuch took the time to send me a note in support

of his character, calling him “the most reasonable, smart, principled, kind, and humble person I know.” Even at a young age, he made a positive impression on his colleagues—something he has continued to do today.

During the course of Judge Gorsuch's 10-year judicial career, his opinions have reflected not only his outstanding legal acumen but also his respect for the Constitution and his Scalia-like ability to explain his decisions.

Judge Gorsuch was nominated to his current position on the U.S. Court of Appeals for the Tenth Circuit by President George W. Bush in 2006. As a testament to Judge Gorsuch's exceptional credentials, the Senate confirmed him by unanimous voice vote. Several current Members of the Senate from both parties, including Minority Leader Schumer, supported Judge Gorsuch's confirmation. The people spoke last November, and our new President has put forward a well-respected nominee whom the Senate has previously confirmed with unanimous support. It is time for Washington to work together as our constituents expect us to do, to help protect and defend our coequal branches of government and the rule of law. If confirmed, Judge Gorsuch's dedication to interpreting the text of the Constitution and statutes as they are written rather than attempting to legislate from the bench will help to do just that.

As Judge Gorsuch himself has stated in one of his opinions: “A judge who likes every result he reaches is very likely a bad judge, reaching for results he prefers rather than those the law compels.”

I have had the great honor of meeting with Judge Gorsuch to learn more about his judicial philosophy, and over the next few days, the American people will also get to learn more about Judge Gorsuch through his confirmation hearing. I am confident they will also determine he is qualified to serve on our Nation's highest Court. I look forward to moving ahead to fill the Supreme Court vacancy with this eminently qualified nominee, and I thank him for his willingness to serve his country in this critically important role.

Thank you, Mr. President.

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

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

REPUBLICAN HEALTHCARE BILL

Mr. BARRASSO. Mr. President, it was 7 years ago that Democrats in Congress passed ObamaCare. They promised lower healthcare costs. What they delivered was a Washington mandate