

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

for expensive insurance that many people found actually wasn't insurance they could use, even though they were forced to buy it. For 7 years, Americans have suffered under the consequences of that decision by this body and by the former President.

Less than 7 weeks into the Trump administration, Republicans introduced a plan to give Americans real healthcare reform. The American people know that ObamaCare has been a disaster, one broken promise after another. I hear about this every weekend when I am home in Wyoming. I heard about it this past weekend. There is now only one insurance company that is willing to offer ObamaCare coverage in my entire State. There are 1,000 counties all across the country in the same situation—only one option. This is not a marketplace; it is a monopoly.

As a doctor who has practiced medicine for 25 years, I can tell you that when it comes to healthcare, the last thing patients want to hear is that they don't have a choice: It is this or nothing. That is why Republicans promised we were going to repeal the restrictions in ObamaCare that limit people's choices. We promised to give people options, not mandates. The healthcare bill we are debating now is the first step to keeping that promise.

The bill starts to give people more choices so they can pick what is right for them and for their families. I want to talk about three ways that it does this.

First, the bill removes the mandates. It ends both the individual and the employer mandates. It eliminates the penalties that hard-working families have to pay if they decide that overpriced ObamaCare insurance isn't right for them. This was one of the most outrageous and unfair parts of the healthcare law. These mandates will be gone.

Second, the bill that the House is considering cuts taxes. It gets rid of the ObamaCare tax on prescription drugs. It gets rid of the ObamaCare tax on health insurance. It gets rid of the taxes on artificial appliances, such as pacemakers and artificial joints. Overall, the bill eliminates 15 different taxes. These taxes are obviously passed on to consumers; repealing them helps to bring down the cost of care.

Third, the repeal bill creates options for people and for States. It encourages people to find creative ways to help make healthcare costs more affordable for them. It expands how people can use health savings accounts, which is a great option for many people. It helps States do innovative things, such as create high risk pools to bring down costs for everybody. It gives States more flexibility when it comes to Medicaid Programs.

Let's face it: Medicaid is broken, and ObamaCare just threw more people onto this second-class health insurance. Just last week, we got evidence of how badly Medicaid is harming patients. The chief executive at the Mayo

Clinic said in his speech that his hospital is going to give precedence to people with private insurance over people on Medicaid. The supporters of ObamaCare said that their biggest success is the number of people who got coverage by being put into Medicaid. Well, it is clear that many of these people are being harmed by being in Medicaid, a system that has been broken for decades. It is alarming and it is also appalling.

We have to fundamentally reform the Medicaid Program. To do that, we have to give States more options for coming up with the reforms that work for them and for the people who live in those States. Every State is different, and a one-size-fits-all mandate from Washington will never work for all of the States all across the country. Democrats tried it, and it failed dramatically.

ObamaCare is collapsing all around us. We have to do something, and we have to start now. In the next couple of months, insurance companies are going to start making decisions about what they are going to do for next year, 2018. They will be figuring out how much they want to charge and whether they want to be involved in the ObamaCare exchanges at all. People have been losing their coverage and losing choices ever since the Democrats wrote the healthcare law and the President signed it 7 years ago. I believe it is going to get worse every day that we delay.

There are Democrats who don't really seem to care much about any of that. They would rather set the whole healthcare system on a path to fall apart completely before they will ever admit that they were wrong. Hard-working Americans and families across the country don't have that luxury. There are still 25 million Americans without insurance even 7 years after ObamaCare has been in place. Every year, people have gotten letters in the mail telling them that their plans have been canceled. That is the reality of ObamaCare. Democrats want to pretend that everything is fine, but that is absolutely not true.

That is why it is so important that President Trump jumped in right away to take important steps to help stabilize the marketplace. He recognized what Democrats won't admit—that these ObamaCare markets are falling apart. So the President has already started doing what he can to stabilize the markets, to make sure people keep their options for health coverage. The Department of Health and Human Services has taken steps to preserve programs that ObamaCare tried to eliminate. These are plans that people already had and they liked and the law tried to say they could no longer exist. The Trump administration has said people can continue on those plans. The administration also tightened up some of the rules to make sure people actually pay the premiums for this year's insurance before they are al-

lowed to sign up for next year. The administration is taking commonsense steps that will make it harder for people to game the system and that will lower the cost for everyone else. These are important steps. The administration is going to be doing a lot more to protect families and to create more options.

This repeal bill isn't perfect; nobody says it is. Still, it is a monumental shift away from ObamaCare. The American people will be better off with this repeal plan. They will be better off with the additional reforms that we will continue to push after this bill.

I hope that Democrats will join us and offer their own ideas about what these additional reforms will look like. I hope they realize that families are better off when they have more choices, not fewer. We are better off when people can decide what is better for them and their families, not when government tells them what to do. We are better off when healthcare decisions are left to patients and doctors, not to Washington bureaucrats and insurance companies. We are better off when people have freedom and options, not mandates and penalties.

America needs healthcare reform. What we had before ObamaCare wasn't working; I saw that as a doctor. What we have now isn't working, either. It is time for everyone to admit that and to take this opportunity to start repairing the damage, start creating real reform. As Ronald Reagan said: It is better to get 80 percent of what you want rather than go over the cliff with a flag flying. The American people are asking for our help, and we cannot turn our backs on them now.

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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nominations of Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2021; and Danny C. Reeves, of Kentucky, to be a