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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and Eternal God, thank You for listening to our prayers. You are the high and lofty One, but You choose to dwell with those who have contrite hearts. Dwell with our law-makers. May they meditate upon Your precepts and be guided by the light of Your Word.

Lord, give them the wisdom to seek Your help in the day of trouble and beyond. May the memories of what You have already done provide them with the confidence that the best is yet to come. Do for them immeasurably, abundantly, above all that they can ask or imagine, according to Your power, working in and through them.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

REPEALING AND REPLACING OBAMACARE

Mr. MCCONNELL. Mr. President, we have all seen the headlines. We have all heard the heartbreaking stories. We have all watched as health insurance markets have edged closer to collapse, and we have noticed a common theme. ObamaCare is failing in Kentucky and around the country.

In my home State, insurance premiums increased by up to 47 percent. As insurers flee the market, nearly half of the counties in my State have only one option for an insurer on the exchange.

Many families' deductibles and out-of-pocket expenses have skyrocketed to a point that their plans are too expensive to actually use. In other words, they have health insurance but not necessarily healthcare. The legacy of ObamaCare is one of increased costs, diminishing choices, and broken promises.

In four elections in a row, Kentuckians have overwhelmingly rejected this failed law. The pain caused by ObamaCare is real for millions of Americans. Listen to this small business owner from Versailles. She wrote to my office asking for relief. Here is what she said: "The first year of ObamaCare, our monthly premiums tripled," she wrote, and now, "our current plan will be discontinued . . . at the end of the year."

"This is prohibitive for us. We are getting desperate and discouraged."

Unfortunately, stories like hers are hardly unique—not in Kentucky and not across America—because too many are suffering under ObamaCare. ObamaCare is a direct assault on the middle class, and it will continue to get worse unless we act.

Both in Congress and in the administration, we are working to fulfill our commitment to the American people. We remain committed to the repeal and replacement of ObamaCare with healthcare policies that actually work. When the House finishes its work on ObamaCare repeal legislation, I look forward to taking it up here in the Senate. The administration will continue working to deliver relief and stabilize health markets, as well. Americans are ready for a better way forward after the failure of ObamaCare, and I would urge all of my colleagues to work together so we can deliver it.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, on another matter, as day 2 of the Neil Gorsuch Supreme Court confirmation hearings continued, Senators and the American people were able to learn more about his experience as a jurist and his aptitude to serve on the High Court. We heard directly from Judge Gorsuch about his views on the role of a judge—to be fair and impartial, independent, and not beholden to one party over another. We heard directly from Judge Gorsuch about his views on the role of the Court to uphold the Constitution and interpret the laws as written, not legislating from the bench.

We saw him display a masterful knowledge of the law, along with independence, thoughtfulness, and just the kind of judicial temperament we expect in a Supreme Court Justice. News outlets across the country took notice. This is from a CNN report:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Supreme Court nominee Neil Gorsuch came to the Senate Judiciary Committee Tuesday prepared to deliver a clear message: I'm a judge, not a politician. . . . Sitting at a small table, he turned to listen to each Senator as they spoke, hour after hour, carefully writing notes before launching into his replies.

As CNN noted, the questions "never rattled him" and "he showed command of the law."

NPR took note of Judge Gorsuch's temperament saying: "He kept an even keel throughout the day, rarely betraying more than a hint of impatience or pique."

Here is one take from the Washington Post. It said:

Gorsuch is not easily flustered.

Gorsuch presented himself as the picture of a cool, calm, self-assured justice.

His face often broke into a relaxed smile. He appeared to be listening to every word every Senator said, and he rarely stumbled.

And here is another take from the Post:

After more than 10 years on the U.S. Court of Appeals for the 10th Circuit, [Judge Neil] Gorsuch was prepared for how to respond to questions about judicial independence and how a judge should consider a decision outside his personal political ideology.

These are observations made from outside viewers. Their insights reflect what we have been saying for weeks—that Judge Gorsuch is exceptionally qualified to serve on the Supreme Court.

I hope our Democratic friends take notice and give him the fair consideration he deserves, not invent more excuses not to. Because Judge Gorsuch has performed exceedingly well, some Democrats are desperately trying to come up with a reason to delay the process, just as they have done all year on other nominations.

The Judiciary Committee is continuing its work today. As it does so, I am confident we will continue to see support grow for Judge Gorsuch.

CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. McCONNELL. Now, Mr. President, on one final matter, last night the Senate voted to overturn a harmful regulation that undermines Alaska's authority to manage its wildlife resources and shifts more power toward Washington.

Today, we will have yet another opportunity to bring Americans relief from heavyhanded regulations using a legislative tool provided by the Congressional Review Act.

That proposal would undo the so-called Volks rule, which is named for the 2012 Federal court case overturning an ill-advised Obama administration regulatory action on the same subject. It is a regulation that purports to look out for the workers' best interests, but it actually does little to achieve that outcome. The Volks rule merely empowers Washington bureaucrats and increases paperwork burdens instead.

As the Coalition for Workplace Safety pointed out, this regulation does

"nothing to improve worker health and safety," it "directly contradicts both clear statutory language and two U.S. Court of Appeals rulings," and it also represents "one of the most egregious end runs around Congress' power to write the laws."

I heard from Kentuckians who are simply concerned by this overreaching regulation and called for Congress to end it. In one recent letter to my office, the Kentucky Roofing Contractors Association called for the repeal of the Volks rule because it "does nothing to improve workplace safety and could be used to impose costs on employers for inadvertent paperwork violations."

In fact, as they point out, it could even "divert resources away from efforts to improve work place safety and create jobs."

In another letter I recently received, a Lexington construction contractor said he needs his safety supervisors "constantly walking jobsites, identifying hazards and making sure our co-workers go home safely every night," but this regulation "forces me to choose allocating sources to preventing future accidents or auditing old paperwork."

That is our decision today: focusing on actual safety of employees or on more bureaucratic paper pushing.

Senator CASSIDY of Louisiana understands the challenges this regulation presents, and he has been a leader in working to protect American businesses from these consequences. I appreciate his efforts and look forward to the Senate passing it soon.

MEASURE PLACED ON THE CALENDAR—H.R. 1181

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The majority leader.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.J. Res. 83.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 83, a joint resolution disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed.

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness."

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise with my colleagues to support H.J. Res. 83 and companion S.J. Res. 27, a resolution I introduced with 25 of my colleagues, under the Congressional Review Act, or CRA, to stop the Obama administration Department of Labor's regulation, known as the Volks rule, from expanding the statute of limitations for record-keeping violations. This regulatory scheme represents a backwards approach to workplace safety, and it is a blatant overreach by the Federal Government.

Under the Occupational Safety and Health Act, employers are required to record injuries and illnesses that occur in the work place and maintain those records for 5 years. The law provides for a 6-month period for which OSHA can issue citations to employers who fail to maintain the records properly. However, it was the practice of OSHA, based on their interpretation of the law, that they were able to issue citations regarding keeping those records properly for the entire 5-year period employers must keep those records.

Under this practice, OSHA took action against Volks Constructors, a firm in Prairieville, LA, in 2006 for record-keeping violations that occurred nearly 5 years earlier—again, record-keeping violations. This was well beyond the 6-month statute of limitations. Volks Constructors, located in Prairieville, is a heavy industrial contractor that provides manufacturing