

Sullivan Thune Tillis Toomey Wicker Young

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 95 Leg.]

NAYS—48

Baldwin Gillibrand Murray
Bennet Harris Nelson
Blumenthal Hassan Peters
Booker Heinrich Reed
Brown Heitkamp Sanders
Cantwell Hirono Schatz
Cardin Kaine Schumer
Carper King Shaheen
Casey Klobuchar Stabenow
Coons Leahy Tester
Cortez Masto Manchin Udall
Donnelly Markey Van Hollen
Duckworth McCaskill Warner
Durbin Menendez Warren
Feinstein Merkley Whitehouse
Franken Murphy Wyden

NOT VOTING—2

Isakson Paul

The joint resolution (S.J. Res. 34) was passed, as follows:

S.J. RES. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services" (81 Fed. Reg. 87274 (December 2, 2016)), and such rule shall have no force or effect.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SASSE). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David Friedman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Mitch McConnell, Steve Daines, John Cornyn, Tom Cotton, Bob Corker, John Boozman, John Hoeven, James Lankford, Roger F. Wicker, John Barrasso, Lamar Alexander, Orrin G. Hatch, David Perdue, James M. Inhofe, Mike Rounds, Bill Cassidy, Thom Tillis.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Friedman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

YEAS—52

Alexander Flake Perdue
Barrasso Gardner Portman
Blunt Graham Risch
Boozman Grassley Roberts
Burr Hatch Rounds
Capito Heller Rubio
Cassidy Hoeven Sasse
Cochran Inhofe Scott
Collins Johnson Shelby
Corker Kennedy Strange
Cornyn Lankford Sullivan
Cotton Lee Thune
Crapo Manchin Tillis
Cruz McCain Toomey
Daines McConnell Wicker
Enzi Menendez Young
Ernst Moran
Fischer Murkowski

NAYS—46

Baldwin Gillibrand Peters
Bennet Harris Reed
Blumenthal Hassan Sanders
Booker Heinrich Schatz
Brown Heitkamp Schumer
Cantwell Hirono Shaheen
Cardin Kaine Stabenow
Carper King Tester
Casey Klobuchar Udall
Coons Leahy Van Hollen
Cortez Masto Markey Warner
Donnelly McCaskill Warren
Duckworth Merkley Whitehouse
Durbin Murphy Wyden
Feinstein Murray
Franken Nelson

NOT VOTING—2

Isakson Paul

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Friedman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I would like to talk about U.S. support for Israel. It used to be that U.S. support for Israel was bipartisan. One of the most deeply disappointing realities in Washington today is that this support is becoming characterized as increasingly partisan. That is because—what happened was Republicans came out against one of President Obama's signature foreign policy achievements, the Iran nuclear deal.

That opposition came in the face of consensus among national security experts across the political spectrum, both here and in Israel, that this deal was good for the security of Israel. Ultimately, what happened is, it politicized our foreign policy in the Middle East to the point that what would have otherwise been a bipartisan vote for a bipartisan consensus Ambassador to the country of Israel from the United States, will now be confirmed along mostly party lines.

People will look at this confirmation and say: U.S. support for Israel now exists largely on a partisan basis. Let's be clear. It does not. I support every penny that goes to Israel. I think it is critical that the country maintains its qualitative military edge in the region, and I take a backseat to no one in my personal or professional passion for the United States-Israel relationship.

That is why I cannot support Mr. Friedman's nomination to be the U.S. Ambassador to Israel. He has radical views. He has made outrageous and offensive statements on a wide range of issues.

Here is a sampling of his past comments. Mr. Friedman has said that the State Department is anti-Semitic. He has said that President Obama is an anti-Semite. He has said that the two-state solution solves a "nonexistent problem." Mr. Friedman has called for Israeli citizens who are Arabs to be stripped of their civil rights. He has lobbed one of the worst words in Jewish history at large parts of the American Jewish community, calling them "kapos," which is a term for the Jews who worked for the Nazis in concentration camps. These are more than just provocative statements by Mr. Friedman; they are lies.

For decades, the United States has stood firm as an honest broker of peace. We have said to both sides that they can trust us to help end this conflict, and that is based on the principle that the United States is passionate about peace in Israel but dispassionate about how we get there. Mr. Friedman is not objective about how we get there. On the contrary, he is very passionately for settlements, and he is very passionately against the two-state solution, which means he is basically against decades of bipartisan U.S. foreign policy.

Just a few months ago, the organization he led advertised that they have a new program that will train students to "successfully delegitimize the notion of a two-state solution." This group is actively working to take the two-state solution off the table.

I understand that the Senate is not fully aligned on U.S. foreign policy when it comes to Israel. I understand we have our disagreements. We may disagree on whether a two-state solution is best, on where our Embassy should be located, and on how to approach the peace process, but there are some things we ought to be able to agree upon: that our Ambassador to Israel should not be more involved in Israel's politics than our own, that our Ambassador to Israel should not be so provocative that they wouldn't even be welcome at the negotiating table, and that our Ambassador should not be the kind of person who uses language to fuel violence, hate, and instability. That means we should be able to agree that our Ambassador to Israel cannot be Mr. Friedman.

I urge my colleagues to join me in voting no to support U.S.-Israel relations and reject Mr. Friedman's confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, the Middle East poses some of the most difficult diplomatic challenges faced by our Nation. The region is troubled, unstable, sometimes dangerous. Conflicts span over centuries. Peace throughout the region seems distant and far away. And the problematic powers, like Iran, Syria, Hezbollah, and Russia, promote their own interests in the area, sometimes violently, and those interests are often contrary to ours.

The United States is deeply involved throughout the region. Israel is America's staunchest ally in the Middle East and one of our closest friends on the world stage. The United States has had and will continue to have a special relationship with Israel, and our country will continue to protect and aid Israel to help secure her survival.

I am a strong supporter of Israel. I believe that a qualitative military edge is necessary for the safety of Israel, and I have always voted to support military aid. I have also been a strong supporter of the two-state solution. A peaceful resolution between Israel and the Palestinian people would help heal the source of many of the insecurities facing Israel, but peace has eluded Israel and the Palestinians for decades. Mutual distrust runs deep. Tensions are high between Israel and many of its neighbors.

For all these reasons, the ambassadorship to Israel is one of the State Department's most important diplomatic posts and one of the most sensitive. Since Israel became a nation, the post has been held by 18 of some of our most experienced, skilled, and knowledgeable diplomats. The vast majority were career Foreign Service officers. Many served in both Republican and Democratic administrations. All had significant international and government experience prior to their appointment.

The Ambassador to Israel must be able to thread the needle between Israel and its neighbors. He or she needs to have the confidence, respect, and trust of powers throughout the region. He or she must be seen as an honest broker and have the temperament and finesse to defuse conflict while able to stand one's ground and have the capacity to find common interests and common ground.

However, with David Friedman, the President has put forth a nominee who has no diplomatic experience whatsoever, no government or international experience, who is known for his offensive statements toward Jewish groups and others with whom he disagrees, and who has repeatedly expressed extreme policy views—views antagonistic to any realistic peace process with the Palestinians. Mr. Friedman is not a

seasoned diplomat; he is the President's bankruptcy lawyer. President Trump and Mr. Friedman clearly have a lot of experience with bankruptcy, but it is hard to think of a pair of personalities less suited to diplomacy in a volatile region.

Mr. Friedman has vocally opposed a two-state solution—a cornerstone of U.S. foreign policy for peace in the region since President Ronald Reagan. He not only supports but has generously funded Israeli settlements—settlements long considered as an obstacle to peace by the United States and deemed illegal by much of the international community.

Mr. Friedman's intemperate remarks have been widely reported. He lashed out that liberal Jews “suffer a cognitive disconnect in identifying good and evil.” He said that the State Department has “[a] hundred-year history of anti-Semitism” and that President Obama is “an anti-Semite.” Most horrific, he said:

J-Street supporters . . . are far worse than kapos—Jews who turned in their fellow Jews in the Nazi death camps. . . . They are just smug advocates of Israel's destruction delivered from the comfort of their secure American sofas—it's hard to imagine anyone worse.

Five former U.S. Ambassadors to Israel, serving under both Democratic and Republican administrations, called Mr. Friedman “unqualified” to assume the role of chief diplomat to Israel.

Twenty-nine Holocaust scholars objected to his “kapo” remarks. The historical record shows, they said, “that kapos were Jews whom the Nazis forced, at the pain of death, to serve them in the concentration and extermination camps. . . . These Jews faced terrible dilemmas, but ultimately were made into unwilling tools of Nazi brutality. . . . To brand one's political opponents, members of one's own community, as kapos, merely for engaging in legitimate debate, is historically indefensible and is a deeply disturbing example of the abuse of the Holocaust and its victims for present political gain.”

A group of Holocaust survivors called his use of “kapo”—and I quote a group of Holocaust survivors—“slandorous, insulting, irresponsible, cynical and immensely damaging to our people.”

More than 600 rabbis wrote that his remarks were “the very antithesis of the diplomatic behavior Americans expect from their ambassadors.”

While Mr. Friedman apologized during his confirmation hearing for his abusive language, I don't believe it erases his past behavior and suddenly qualifies him for the job.

This post should be earned over time, through actions and words that demonstrate without question that the nominee has the right judgment, temperament, and skills. Mr. Friedman has not come close to demonstrating that. We should not risk confirming him to this important post. We have seen how distracting and destructive hotheadedness is at the seat of power.

During his confirmation hearing, Mr. Friedman also walked back his positions on a two-state solution and Israeli settlements, which prompted the committee chair to wryly ask him why he even wants the Ambassador position if he has to “recant every single strong belief you've had.”

I am a strong supporter of Israel. I want to see the State of Israel prosperous and secure forever into the future. I believe in the right of the Palestinians to self-determination, to chart their own course and their destiny. I want to see peace between Israel and the Palestinians and between Israel and her neighbors. That is what the vast majority of Americans want. The United States has a strong national interest in securing this peace. The last thing we need is another active military conflict in the Middle East, which could draw in U.S. forces. That is why over 40 years U.S. policy has held that the only realistic path to peace is through a two-state solution. The Palestinians are entitled to a homeland. A two-state solution is the only viable path forward for Israel.

As Secretary Kerry said, “If the choice is one state, Israel can either be Jewish or democratic. It cannot be both.”

Given Mr. Friedman's past staunch support for a one-state solution and expansion of Israeli settlements, is he really ready and able to embrace and put forward opposing policy positions? Can he ever be viewed by the Palestinians and the international community as an honest broker?

I am under no illusion about how difficult it will be to achieve peace between Israel and the Palestinians. Many Presidents and able diplomats have tried and failed to achieve settlement. But the United States must continue to do its best to reach an accord. Above all, we should not make the current situation worse. We need a steady hand in the Middle East.

I am not convinced that Mr. Friedman is qualified for this job, with no diplomatic experience and a history of extreme positions and intemperate language. His contrition is too little, too late. I am worried that by ignoring these huge red flags with his nomination, we run the risk of a diplomatic incident that could needlessly increase risk of conflict in the region. Therefore, I must vote no on this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to talk about President Trump's selection of David Friedman to serve as the U.S. Ambassador to Israel.

Our relationship with Israel is of tremendous importance. We are strong allies, and we have a strong military, diplomatic, economic, and cultural relationship with the State of Israel. As a Jew, the importance of that relationship is something that I feel in my bones, and as a Senator, working to

make our relationship with Israel stronger is a major priority. I strongly believe that part of strengthening that relationship is doing everything we can to help make progress toward a peaceful resolution of the Israeli-Palestinian conflict. Helping to resolve that conflict has consistently been one of the top diplomatic priorities of the United States.

There are very important implications in this selection for the Israeli people, the Palestinian people, the Middle East region, and even beyond. We need an Ambassador who can rise to the challenge, someone who can bring the parties together for negotiations and be regarded as legitimate in the eyes of all parties. Mr. Friedman is not that man.

Mr. Friedman's past conduct demonstrates that he lacks the tools one needs to be a good diplomat. For starters, diplomacy is about choosing your words carefully. It is about reasoning with those with whom you disagree. Diplomacy means not resorting to insults and to name-calling when you have a disagreement, which is something that Mr. Friedman has done time and time and time again.

In an op-ed he penned for the newspaper *Arutz Sheva*, Mr. Friedman called supporters of the American Jewish Organization J Street "far worse than kapos."

Now, for those who don't share the history, I was born in 1951, and I grew up with the holocaust and the stories of the holocaust pounded into my head, and I know what "kapos" are. It is the term that refers to Jews who collaborated with the Nazis—with the Gestapo, the guards at the concentration camps during the holocaust. When asked to repudiate his statement on J Street, Mr. Friedman refused, and in fact doubled down, stating "They're not Jewish, and they are not pro-Israel." For those who don't know, J Street is a pro-Israel organization dedicated to the two-state solution—a goal that is shared by successive U.S. administrations, both Democratic and Republican. The two-state solution is the only way to keep Israel a Jewish State and a democracy.

Mr. Friedman's smearing of our fellow Jews—my fellow Jews, many of whom are members of J Street, this is a calumny. This should be a disqualifier for someone seeking to represent the United States in the State of Israel. Mr. Friedman's statement shows that he lacks understanding of history—of our history, the history of the Jewish people—it shows he is intolerant of opposing views, and he is profoundly insensitive. That is probably why so many of my fellow Jews have reached out to me, have urged me to reject his nomination.

Mr. Friedman's offensive remarks don't stop there. He regularly insults those with whom he disagrees. He even called me a clown and a moron after I pointed out the anti-Semitic stereotypes evoked in the Trump campaign's

final ad. As I told Mr. Friedman when we met in my office, I have been called a moron before—that kind of thing happens in campaigns all the time—but as I also reminded him, part of being a diplomat is being diplomatic.

Now, while I have serious concerns with Mr. Friedman's temperament, my biggest issue with this nominee is his lack of commitment to the peace process. For example, right after being nominated to serve as Ambassador, Mr. Friedman stated that he "looked forward to doing this from the U.S. embassy in Israel's eternal capital, Jerusalem."

It has been a longstanding policy of the United States to recognize Tel Aviv as the capital of Israel. This policy has been viewed by successive administrations as important for helping maintain regional stability and peace with Israel and its neighbors. An abrupt change in this tradition would make it more difficult for the United States to play the role of arbiter, to achieve peace and security between the Israelis and the Palestinians. At a time when we need to reduce tensions in the region, Mr. Friedman was sending the exact wrong message. What I find even more troubling is Mr. Friedman's support for settlement building. Successive U.S. administrations have recognized that new settlements are barriers to peace. Mr. Friedman has served as president and has been actively fundraising for the American Friends of Beit El, the nonprofit that supports the expansion of that settlement—expansion which is illegal under international law, an expansion deep inside of Palestinian territory.

How can we possibly help advance peace between the two parties with a man who believes there ought to be more settlements—one of the very things that observers on both sides of this conflict recognize as a significant obstacle to peace. The Israeli-Palestinian conflict has remained intractable for far too long, proving a hardship—a tragedy—for Israelis and Palestinians both and impacting regional and even global security. I believe—I am convinced that a just and lasting agreement between the two parties on a two-state solution, though very difficult, can and must be achieved. Confirming David Friedman as Ambassador of the United States to Israel will only serve to make that job more difficult, if not impossible, and in my mind would be a tragedy.

I urge my colleagues to vote no on the Friedman nomination.

I thank the Presiding Officer.

Mr. LEAHY. Mr. President, Senate will soon vote on the nomination of David Friedman to be U.S. Ambassador to Israel.

I oppose his nomination.

Mr. Friedman has made a career of derogatory and inflammatory statements about U.S. policy in the Middle East, about former U.S. officials, about the Palestinians, and about American Jews who have views that differ from his own.

He has written falsely that President Obama and Secretary Kerry engaged in "blatant anti-Semitism," that liberal American Jews are "far worse than kapos," and that they "suffer a cognitive disconnect in identifying good and evil."

He has accused the State Department of a "hundred-year history of anti-Semitism," apparently because diplomats in both Republican and Democratic administrations have not always agreed with the actions of some of Israel's leaders.

Those comments alone should disqualify him for this sensitive position.

Mr. Friedman has also raised millions of dollars for Israeli settlers and bragged about leading the effort to remove the two-state solution from the Republican Party's platform.

Regarding the two-state solution, he wrote that it is "an illusion that serves the worst intentions of both the United States and the Palestinian Arabs." That renunciation of longstanding U.S. policy should also, by itself, disqualify him for the job of Ambassador to Israel.

Mr. Friedman is certainly entitled to his own views as a private citizen, even if they are offensive and counter to U.S. interests and values. But can anyone honestly say that this nominee is qualified or suited to represent the American people in Israel?

Five former U.S. Ambassadors to Israel, who served under Republican and Democratic Presidents going back as far as President Reagan, say the answer is no.

An alliance as longstanding as ours with Israel, which has far-reaching consequences for the entire Middle East, requires effective daily management by an experienced diplomat who not only has knowledge of the region but the temperament and appreciation of our short- and long-term interests.

I do not see how anyone could conclude that Mr. Friedman possesses the requisite temperament or objectivity. The record is devoid of evidence that he appreciates the critical distinction between the interests of the United States and the parochial interests of an extreme constituency in Israel that he has fiercely advocated for over the course of his long career.

Mr. Friedman's confirmation hearing provided him the opportunity to assuage concerns about his divisiveness, including the many disparaging remarks he has made and his close identification with and support for, the Israeli settler movement.

During the hearing, he disavowed his past undiplomatic statements, saying he was speaking as a private citizen.

Mr. Friedman's remarkable confirmation conversion falls far short of convincing evidence that changing his title to "Ambassador" will cause him to divorce his life's work and objectively serve the interests of the American people.

We all want what is best for the American people. We also share a desire to find a viable solution to the

Israeli-Palestinian conflict that protects the rights and security of both peoples.

Neither goal can be achieved by pursuing policies that further inflame tensions and erode the role of the United States as an honest broker for peace.

There are any number of qualified Americans who could capably support that role. Mr. Friedman is not among them.

Mr. VAN HOLLEN. Mr. President, our Ambassador to Israel is one of our most consequential diplomatic posts. Israel is our greatest friend and ally in the Middle East and one of our closest partners in the world. The bonds between our peoples have been unbreakable from Israel's beginning. Israel is a bastion of democracy and prosperity in a violent and unstable region, where Israel faces relentless threats to its security. It is imperative that our Ambassador to Israel have an even temperament, the utmost of integrity, and the ability to forge unity across entrenched divisions.

I have a profound and steadfast commitment to Israel and to the Jewish community. That is why I am so concerned with David Friedman's nomination to become Ambassador to Israel.

Mr. Friedman appears to have few, if any, of the qualities needed for this position. He is an extraordinarily polarizing figure who has expressed views far outside of the longstanding bipartisan consensus on Israel. His body of published work makes clear his extreme positions. Mr. Friedman has asserted that Israel cannot trust the majority of American Jews. He has accused the entire State Department—an institution he now seeks to join—of anti-Semitism. He has called our coalition allies and partners in the fight against the Islamic State “cowards,” “hypocrites,” and “freeloaders.” Given his radical and divisive rhetoric, I do not believe that he is capable of forging unity at home or stability abroad.

Furthermore, Mr. Friedman has written that he does not believe in a two-state solution. For decades, through Democratic and Republican administrations alike, the United States and the international community have held that the two-state solution is the only way to achieve a just and lasting peace between Israelis and Palestinians. Mr. Friedman's position on the two-state solution, coupled with his offensive statements, led five former U.S. Ambassadors to Israel to urge the Senate not to confirm him.

Shimon Peres, one of Israel's greatest leaders, once said, “Our problem is not to submit to the differences but to overcome them.” Americans and Israelis deserve nothing less than an Ambassador who lives up to this ethos, one who seeks to strengthen Israel by advancing peace in the region. Given Mr. Friedman's public statements, I doubt that he can be that person. For these reasons, I cannot support his nomination.

Mr. FRANKEN. 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. ROUNDS. 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. ROUNDS. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m., the Senate vote on the Friedman nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action with no intervening action or debate.

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

Mr. ROUNDS. Mr. President, I ask unanimous consent to speak as in morning business for a period of 10 minutes.

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

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. ROUNDS. Mr. President, I rise to discuss the Patient Protection and Affordable Care Act, commonly known as ObamaCare, on its seventh anniversary of being signed into law by our previous President, Barack Obama.

Looking back at what has happened to healthcare over the past 7 years, there isn't a whole lot of good news to report. Since that time, Americans have been hit with hundreds of billions in new taxes, healthcare costs have risen exponentially, and families have struggled with fewer options and reduced access to healthcare services.

Just in the last year, healthcare premiums have gone up 25 percent for the typical ObamaCare plan. That number is even higher in my home State of South Dakota where premiums have increased 37 percent. ObamaCare has also driven health insurance companies to completely leave the marketplace, leaving Americans with fewer insurance options. Again, I will use my own State as an example. Under ObamaCare, the number of companies offering insurance in the individual market in South Dakota has dropped from 13 to a mere 2 today. While this is unfortunate, we are better off than folks in Alaska, Alabama, Oklahoma, South Carolina, and Wyoming, all of whom have no options at all, as only one insurer offers plans in those exchanges. This is also the case for more than 1,000 counties across the Nation, basically one-third of all the counties in total.

As a result of these skyrocketing costs and reduced options, the number of Americans enrolling in ObamaCare continues to drop dramatically. Projections continue to be millions fewer than predicted. Between 2016 and 2017, nearly a half-million fewer Americans signed up for the exchange. All of this has barely moved the number of uninsured South Dakotans between 2010,

when ObamaCare was enacted, and today. So the health insurance market was crippled, premiums have skyrocketed for hard-working families, and our economy has suffered tremendously under the ACA, only to have the same number of insured and uninsured individuals in my home State as before we started.

Nationwide, Americans are rejecting ObamaCare in record numbers. We saw this rejection of ObamaCare repeatedly over the past 7 years, when the American people elected into office candidates who at least in part ran on the platform of repealing ObamaCare. ObamaCare's higher taxes, fees, and penalties on businesses and investors have also taken a toll. Meanwhile, consumers who are facing higher premiums and deductibles have less to spend on goods and services. With one-sixth of our economy tied to healthcare, this has been detrimental to growth and to opportunity. It has also been easy to see how the healthcare industry has rejected ObamaCare over the past 7 years, with many insurers pulling out of the market and in other places the markets collapsing altogether. This limits competition and leaves little room in the healthcare industry, which is why ObamaCare is failing to control the cost of healthcare in our country. Cost control is a crucial component in providing truly affordable healthcare, and that begins with the elimination of ObamaCare's added bureaucracy and paperwork. We must get government out of the way and allow competitive markets to work once again, and that is what we are seeking to do with ObamaCare's replacement, which is expected to receive a vote in the House later today.

Since we started the process of repealing and replacing ObamaCare, my office has received a number of calls and emails from South Dakotans who have expressed concerns. I want to make it clear to them and to all Americans that during the period in which we transition away from ObamaCare and toward a more affordable, competitive system, we understand that the continuation of coverage is an essential component. We plan to include a number of items that are very important to the American public: guaranteed renewal of coverage, portability of coverage for those who change jobs or leave the workforce by retiring, and a ban on lifetime limits, because if you bought insurance, you shouldn't run out of insurance.

The provisions of the Indian Health Care Improvement Act which were included in ObamaCare should be included in our plans. There should be no exclusions on preexisting conditions if one maintains insurance from policy to policy, without lapses, and we should include provisions to allow children to remain on their families' plans until they are at least the age of 26.

We understand that there is a way to retain all of these positive provisions

which are vital to ensuring continued health insurance coverage for all American families who want it, while also providing a fair and open marketplace that provides a strong, healthy, competitive market. This, in turn, will bring affordable, efficient health insurance with innovative products that will actually help to control the cost of care. That is what the GOP alternative, while still far from perfect, is seeking to do. One thing we do know is that the end result will be better than ObamaCare.

As a father and a grandfather, I understand how important it is to have access to affordable healthcare. No one should be priced out of healthcare coverage for one's family. But our current system is simply not working. After 7 years of ObamaCare, the American people are dealing with higher healthcare premiums, fewer options, more taxes, and reduced access to care. Health providers are struggling with more bureaucracy, with more time spent filling out paperwork instead of caring for patients, and being frustrated by ObamaCare's crippling new regulations.

As I have said from time to time, ObamaCare is a rapidly sinking ship, and there is simply no hope for a recovery. On its seventh anniversary, it is hurting more people than it is helping, and it must be repealed and replaced before it totally crumbles under its own weight.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise as the ranking Democrat on the Senate Foreign Relations Committee to comment on the nomination of Mr. Friedman to be the U.S. Ambassador to Israel. Shortly, we will be having that vote.

I consider the U.S.-Israel relationship to be a strategic anchor for the United States in the Middle East and one of our most important relationships with any country. Since the creation of the State of Israel, support for this relationship has been bipartisan, bicameral, and supported by successive U.S. administrations. This bilateral relationship is also sustained by the deep bonds of friendship between the people of our two countries. This relationship has benefited Israel and has benefited the United States.

Given the range of strategic challenges across the globe that our country faces and the unprecedented instability and violence embroiled in the Middle East today, it is critical that we take steps to unify support for the U.S.-Israel relationship across the political spectrum. Thus, I believe it is vital that the U.S. Ambassador to Israel be seen as a unifying figure in this enduring relationship.

I really do believe that there is broad understanding and support in the Senate and the House for the special relationship between the United States and Israel—Israel, the only true democracy

in the Middle East, a country that we can rely on for important intelligence information and that has an economy which is similar to ours. It is a country that has enjoyed a special relationship with the United States since 1948, when Harry Truman recognized Israel after the historic vote at the United Nations.

Following extensive consideration of Mr. Friedman's record and taking into account his statements during his nomination hearing, I have concluded that his past record would make it very difficult for him to serve as that unifying force. For that reason, I am unable to support his nomination as America's top diplomat in Israel.

I appreciate Mr. Friedman's efforts before the committee to express regret for his substantial record of divisive, inflammatory, and offensive statements. Unfortunately, I believe the body of Mr. Friedman's published works, not to mention his public statements, will compromise his effectiveness in representing the United States and all Americans, as well as the Government of Israel and all Israelis.

Taken together, Mr. Friedman's statements and affiliations make it clear that he does not believe a two-state solution is necessary for a just and lasting peace. I am concerned that Mr. Friedman's history on this issue, in which he calls the two-state solution a scam, will undermine his ability to represent the United States as a credible facilitator of the peace process. There is simply no realistic, sustainable prospect for lasting peace between the Israelis and the Palestinians other than as two states, living side by side, with security.

I thank Chairman CORKER for the manner in which this nomination was handled before the Senate Foreign Relations Committee. I think we had ample opportunity, and I thank Chairman CORKER for that, but I do urge my colleagues to reject this nominee.

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.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that the Senate, notwithstanding the previous order, move to the rollcall vote now.

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

The question is, Will the Senate advise and consent to the Friedman nomination?

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 96 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Strange
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCaïn	Toomey
Daines	McConnell	Wicker
Enzi	Menendez	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—46

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Heitkamp	Schumer
Cantwell	Hirono	Shaheen
Cardin	Kaine	Stabenow
Carper	King	Tester
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Markey	Warner
Donnelly	McCaskill	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—2

Isakson Paul

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF MONTENEGRO

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1, treaty document No. 114-12, Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The senior assistant legislative clerk read as follows:

Treaty document No. 114-12, Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.