

UNANIMOUS CONSENT REQUEST—
S. RES. 581

Mr. MANCHIN. Madam President, today I call for a live unanimous consent request on my resolution to protect nearly 800,000 West Virginians and millions of Americans from losing their health insurance because of their preexisting conditions. This is an immediate danger. It is life and death for over 800,000 West Virginians and millions of Americans.

Today oral arguments began in the Texas v. United States lawsuit being waged by 20 U.S. attorneys general, including West Virginia's attorney general, that will, once again, allow insurance companies to have total control to be able to deny health insurance to people with preexisting conditions. Now that the Department of Justice has recklessly refused to defend the existing law, people with cancer, heart disease, asthma, diabetes, or pregnant women are at risk of financial and physical duress. Today, we have a chance to help right this wrong.

My resolution, S. Res. 581, will allow the Senate legal counsel to intervene and defend West Virginians and Americans with preexisting conditions from this inhumane lawsuit. Even my Republican colleagues have admitted that millions of Americans will lose their health insurance if Republican attorneys general succeed.

Now, that is something when my own colleagues, over nine of my Republican friends in the Senate, have introduced a piece of legislation that also acknowledges how destructive this will be.

In a press release, my good friend from North Carolina, Senator TILLIS, and nine other Republicans who introduced the bill wrote that oral arguments in Texas v. United States will begin today, on September 5, and if the judge rules in favor of the plaintiffs, protections for patients with preexisting conditions could be eliminated. What it basically says is, insurance companies will be allowed to determine if you are too sick and too costly for them and they can't make enough profit or see that there is no end in sight, they will just deny you.

Four hundred thousand West Virginians will be denied. They couldn't even buy insurance if they could afford it. The other 400,000 in West Virginia are going to basically have their rates raised or capped. That means they are one illness away—one illness away—from financial disaster.

Senator TILLIS said this legislation is a commonsense solution. This is a commonsense solution. We want to fix it together. We are just asking people, who basically believe the same as we all have agreed on both sides of the aisle, to ask our attorneys general to stop this senseless lawsuit and withdraw it. That would cure the problem overnight, but without it, we need to intervene, and we are asking for this to happen.

Madam President, I ask unanimous consent that the Committee on Rules

and Administration be discharged from further consideration of S. Res. 581; that the Senate proceed to its immediate consideration; and that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, reserving the right to object.

Right now, there is a court case being heard in Texas on the constitutionality of ObamaCare. We are all aware of that.

In their decision upholding the constitutionality of ObamaCare, the Supreme Court said that under the commerce clause alone, ObamaCare would be unconstitutional. It was only because of the individual mandate, which they saw as a tax, that ObamaCare was upheld.

Last year, we eliminated the individual mandate in our tax cut, so the constitutionality needs to be revisited, which is what these States are doing. It would be inappropriate for the Senate to intervene in this case.

Further, this resolution instructs all provisions of ObamaCare to be defended, including the medical device tax, the Cadillac tax, the health insurance tax, and other provisions that have proven extremely unpopular on both sides of the aisle. For that reason, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MANCHIN. Madam President, if I could please respond?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. INHOFE. I have already objected.

The PRESIDING OFFICER. The objection is heard.

The Senator from West Virginia has the floor.

Mr. MANCHIN. Madam President, let me just say that I hear my good friend from Oklahoma. I understand where he is coming from. I would only say that if that were the intent—and they keep saying Affordable Care Act, ObamaCare, TrumpCare, no matter what you want to call it, politicizing it—we can fix it. We have a fix. We have had a bipartisan fix lying on the majority leader's desk for over a year now—12 Democrats and 12 Republicans, working together to fix the things we talked about.

One thing we all agreed on is people with preexisting conditions should not be left in an inhumane situation where they have nothing to count on—no insurance whatsoever. We have been down that road before. This is a correction. We have had this.

Basically, it is against the law for an insurance company to say: Listen, you are too sick. You have had high blood pressure. You were born with a heart defect. You had cancer when you were 40 years of age, and now you are 70; it

might return. We don't want to go down that road again. That is all we have asked for, and even our Republican colleagues agreed with us too.

If that were the intent, to rule this unconstitutional, then that would have been in the tax cut bill. The tax cut bill was the mandate. It had nothing to do with the preexisting condition. That is still the law. That is still the law of the land. All we are asking is for them to withdraw their lawsuit. They withdraw the lawsuit, and it is still against the law for any insurance company—if they pass this lawsuit, then they are going to be at the hands and the mercy of the insurance companies to pick and choose life and death for so many thousands of people—millions of people, 800,000 West Virginians. That is all.

I understand this is a hot topic, but I can tell you one thing, healthcare in West Virginia is something that is needed. It is something we now have a chance to fix that we haven't. We have opioid addiction, and we are able to treat that. Mental illness, we are able to treat that. Senior citizens, we are able to help them close the doughnut hole. These are a lot of good things we have all agreed on.

The things we want to fix is what they are harping on, and, basically, that can be taken care of and keep the Affordable Care Act where it should be, in the hands of the people who need it.

Right now, we are in jeopardy so I am asking for the consideration. I understand the objection, and I understand the process here, but basically what we are asking for is for human decency, and it is basically the concern of millions of people in America.

Thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, while I have the floor, I want to make one comment about the statement that was made by my good friend from West Virginia. The States are looking at it now. In some of these areas, preexisting conditions, the Senator is correct; there is a broad support for this. For that reason, various States are now looking at it.

I want to share something, since I have the floor. We have had an exciting day with the addition of a new Member, JON KYL. I want to mention one thing about Senator KYL. Many years ago, Senator KYL and I were actually elected to the House of Representatives on the same day, and we were elected to the Senate on the same day.

I remember so well, many years ago, when I was first elected to the House, it happened that my father—I lived in Iowa at that time, and JON's father was a Member of Congress. So the first thing he said to me was, when you get elected, go over and meet a guy named JON KYL. Never did I dream we would go through all of this, and we would be meeting again for the third time in another election.

He will be a great addition. Everyone knows that no one can fill the shoes of

our good Senator, John McCain, but certainly there is no one who comes closer than JON KYL, having served with Senator McCain for 20 years.

I had an experience that I want to share this afternoon, something that happened in church on Sunday. On Sunday, I was at a church. It is a little rural church in Oklahoma called Church On The Lake. A guy named Mark Deckard is the pastor there. This is not my church. In fact, my wife and I, our church is the First Presbyterian Church in Tulsa. That is the church she and I were married in a number of years ago, where all of our kids were married, and where all of our kids were baptized. My wife was baptized there over 80 years ago. So no one is closer to that church than we are, but occasionally I will go to another church.

Nobody actually knew I was going to be at this church last Sunday. I want to share an experience I had. A lady whom I didn't know came up to me. Her name is Lois Keene. She asked: Would you give this letter to President Trump? I don't think there is a Member of the Senate or the House who doesn't get this request quite often. It sounds quite easy to do, but it is not easy to do. After I read the letter, I decided this is something I really want to do.

She asked: Would you give this letter to President Trump?

I said: Is it OK if I read it?

And I read it. It was a letter supporting him, recognizing—and this is someone from Afton, OK. It is so obvious to her what the press has done unmercifully to this President. I have never seen anything like it. She has never seen anything like it, and so she had something she wanted to give to me defending the President.

I read it, and I said: You know, I have to say that these are not the words I would use. If I were defending the President, I would say—because to get people's attention, when you have an unfriendly media, you have to simplify it so everyone understands it. So I said I would normally just talk about three issues.

No. 1, the economy. Our economy right now at this time, we have not seen anything like it in 40 years. There are two indicators that you look at, one is economic growth. The economic growth during the last quarter actually exceeded 4 percent. It has been averaging over 3 percent. During the Obama years, for 8 years, it averaged 1.5 percent—1.5 percent growth—as opposed to at least doubling that or maybe three times that.

Now, why is this important? It is important because for every 1 percent increase in economic activity, what that does is bring in new revenue equaling

about \$2.9 trillion over 10 years. What does that tell you? It tells you that when we are now going through and rebuilding the military and all of these things, the infrastructure, these are things we need to do, and they are going to cost money. That indicator is there. Then, also, there is the indicator in terms of employment. Our unemployment right now has actually dipped below 4 percent. Economists always say 4 percent is full of employment, and so we have that.

The economy just couldn't be better than it is. It is undeniable, and yet nobody talks about it. The media doesn't talk about it.

The second thing I would say is that everyone knows now what happened during the 8 years. I don't criticize former President Obama. He is what I call a real honest liberal. He is not a closet liberal. He comes out and says it. He believes we need to have more of a socialist society. We have lived through that. Someone with that belief is not going to be real strong in terms of building the military. We have gone through this military thing for about 8 years, and now we are defending—we passed the Defense bill, which we named after John McCain. That Defense bill is putting us back on the road for a strong national defense.

People think erroneously that America has the best of everything, and they don't. Right now, we have gotten to the point where our—a lot of our systems—our triad system, for example, which is the modernization system, both China and Russia have one now that is better than ours.

Our artillery systems—you measure our artillery by the range and by rapid fire, and we are outgunned by both Russia and China in those areas. We know what has happened.

Right now, we are at the point where we have actually confirmed 26 appellate judges just in the short term that this President has been in. So I would be talking about that, but that is not what she said.

It is true, and her observation is true, that it doesn't go unnoticed by people when you have the media that is really not treating the President right.

By the way, I was a victim of this too. In fact, during the McCain discussion, after McCain's life was lost, several times on the floor I talked about the fact that way back in 1994, when I ran for U.S. Senate, there were only three Senators who came out to Oklahoma to help, and one of them was John McCain. He came out twice. We flew all over in my little airplane in about 100 degrees, and he campaigned for me. So he has been a good friend. Yet, by responding to one of the major medias in a way that I made some com-

ment about the fact that we have two individuals, Senator McCain and President Trump, who just don't have a good relationship—everybody knows that—they tried to turn that into something that was negative that they wanted people to believe that I said. In fact, I was in St. Louis between flights, at about 10 o'clock at night, and shortly after that, someone jumped all over me and was convinced that I had said something negative, and it just flat was not true.

So, anyway, I would like to read the letter before I tell you that I am going to try to pass this on to the President.

So I read it. As I read the letter, there was a group, as can happen after a sermon takes place and people are all sitting around talking, and every head nodded with approval of this letter that this lady gave me. Here it is right here. That is her handwriting there. The letter says:

Dear President Trump,

I am writing this letter to encourage you. All across America God's people are praying for you. With all my heart I know God put you in office for such a time as this. He has given America a window of time. At this time there is a spiritual war going on for the soul of America. Good versus evil. That is why there is so much opposition against you and the Christian people.

You have so many, many people praying for you. Stand strong. I know you are a warrior or God would not have placed you in office. You will continue to come against opposition because the enemy (Satan) will continue to fight you as he will God's people. The stakes are high!

As God's warrior, continue to fight. We are fighting the battle with you on our knees. Many battles are won on our knees. Thank you for being our leader and our President! Our love is with you.

Yours in Christ,
Lois Keene
Afton, OK

So I would just say to the President: You are being butchered by the media. Everybody knows that. But keep in mind that America is full of Lois Keenes and they love you.

With that, I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 1:18 p.m., adjourned until Thursday, September 6, 2018, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 2018:

SECURITIES AND EXCHANGE COMMISSION

ELAD L. ROISMAN, OF MAINE, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2023.