

gained health care coverage—20 million; 6.1 million adults, ages 19 to 25, now have health insurance.

Remember, it wasn't long ago that everyone said they wouldn't sign up. Now, 6.1 million have. Before we passed ObamaCare, some 50 million people in this Nation were without health care. Now, because of the Affordable Care Act, 91 percent of Americans are now insured. That is stunning. It is only getting better. Every day, more and more people who were previously without health insurance are now covered. That is true across racial and ethnic lines.

Listen to these stunning statistics. The uninsured rate for African Americans has dropped by more than 50 percent. That is the equivalent of 3 million newly insured people. The uninsured rate for Hispanics dropped by more than 25 percent, representing 4 million insured Americans.

The evidence is clear: The Affordable Care Act is working. From Nevada to Kentucky, our constituents are getting the quality health care they were promised when Congress passed the Affordable Care Act. It is time for Republicans to stop following Donald Trump's lead by clamoring for repeal.

It is really nervy for Republicans to come down here, as they do all the time in the Senate—they have been quiet lately—and as they do on the campaign trail. This large number of Republicans, which is narrow, still all say the same thing: The American people should listen to what we are saying; we have to get rid of the Affordable Care Act. We have to get rid of it.

How disappointing. It is time for Republicans to face the facts. ObamaCare is helping tens of millions of Americans and will continue to do so.

Madam President, I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FILLING THE SUPREME COURT VACANCY

Mr. GRASSLEY. Madam President, as my colleagues in the Senate just heard, the tantrums from the other side continue, but I guess it shouldn't surprise anybody because everyone around here knows that nothing makes the minority leader more mad than when his side is forced to play by its own rules.

The American people are divided, and the divided government the American people delivered over the last several election cycles reflects those divisions.

Our constitutional Republic was designed with a series of checks and balances. As any branch gets too powerful or exceeds its authority and tries to impose policies the American people don't want, the people express their will through the electoral process, and that is what we have witnessed during the last several election cycles.

Over the last few years, our current President has engaged in a systematic and very massive overreach of his executive power, way beyond what the Constitution has ever considered, and—thank God for checks and balances—the courts have said as much, and that is why I am here today. I am here today to tell you how the courts have interceded and curbed this massive overreach of Executive power. But as he has done so, the people have responded.

Since he was first sworn into office in 2009, nearly 70 additional Republicans have been elected to the People's House. And there are 13 more Republican Senators today than there were in January of 2009.

In January of 2014, frustrated that the people's representatives wouldn't enact his liberal policies, the President famously said that he would use "a pen and a phone" and impose his agenda anyway even though Article One of the Constitution is very clear. It states that the legislative powers of the United States shall be vested in the Congress, not with the President of the United States.

Just a few months later, in November of 2014, the people spoke and sent nine additional Republicans to the U.S. Senate.

This is the beauty of our system of checks and balances, and the Framers of our Constitution designed it that way. The Framers knew a thing or two about Executive overreach, because they had to deal with somebody called George III. They had firsthand experience with an Executive, King George III, who imposed his will on the people unilaterally.

So you wonder why our Constitution has checks and balances? The President holds the Executive power, the Congress writes the laws, and the Supreme Court interprets them. That is what we call separation of powers. That's why we have checks and balances. That's why we have separation of powers. And that is why our Constitution is designed so that no Presi-

dent can appoint a Supreme Court Justice with a pen and a phone.

As we continue to discuss what is at stake during this Presidential election and whether the American people want to elect a President who will appoint yet another liberal Justice, I wanted to take a few minutes to review some of this President's efforts to expand the reach of his power and impose his will on the American people. This President has pushed the envelope at every turn. He has sought to impose his will on the American people in ways and to a degree that this Nation has never before witnessed.

What is striking about this President's record before the Supreme Court is that even with a Court as liberal as ours, the Obama administration still has the lowest winning record of any President going back to at least the Truman administration. When presented with this undeniable fact, the President's apologists quickly grasp for the nearest bogus defense. Most notably, they claim that the Supreme Court is more ideologically hostile to this President than previous Courts were to other Presidents. Now that is a very crafty argument, but it is what Justice Scalia would have called "pure applesauce."

Leading Supreme Court analysts declared the last term of the Supreme Court, even with Justice Scalia on that Court, as the most liberal since the 1960s. So the President's defenders can't blame the Court's makeup for its rebuke of his expansive claims of power. And of course this explanation fails to account for the fact that President Eisenhower took office and litigated in a Supreme Court with eight Justices who were appointed by Democrats or that President Nixon's administration began with an even more liberal Court than Eisenhower. No, this President hasn't lost cases because the Court is ideologically hostile to this President and his policy; the Court has rejected this President's power grabs because they are based on ideology and an unwillingness to recognize that the law constrains that power.

All too often the President's claims are supported by an Office of Legal Counsel and a Solicitor General's Office that seem unwilling to tell the President that his impulse for expanded power is flatly contrary to the law. I'd like to describe a few examples. The President's lawyers argued that he could ignore the Senate's determination—this body's determination—of when it was in session in order to make recess appointments. No President in our history ever claimed that recess appointments were permissible in that situation. But the Office of Legal Counsel—once considered the crown jewel of the Department of Justice—offered a tortured justification to sanction that assertion of power.

If this view of Presidential power were allowed to stand, the President could bypass the Senate with ease to install individuals in powerful government positions with no check from the