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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Eternal God, our hope and our salvation, we trust You to surround us with Your Divine favor. Your way is perfect. Give us the wisdom to follow Your guidance. Become for us a shield of salvation as we seek to do Your will. Lord, keep us from self-made cares as we continue to look to You, the Author and Finisher of our faith.

Today, support our lawmakers with Your grace. Give them faith to look beyond today's challenges and trials, knowing that nothing can separate them from Your love. Help them to demonstrate their gratitude to You with selfless service to those who need Your love and care.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

TRANSPORTATION AND VETERANS AFFAIRS APPROPRIATIONS BILLS

Mr. MCCONNELL. Mr. President, today we will continue working on two appropriations measures that responsibly fund American priorities. The first will invest in our transportation

infrastructure and fund economic development efforts. The second will support our veterans, servicemembers, and their families.

These are good, bipartisan bills that prioritize funding for important programs. They are the result of the continuing leadership of Senators COLLINS and KIRK. I would encourage my colleagues to work together to continue moving these appropriations bills forward.

FILLING THE SUPREME COURT VACANCY

Mr. MCCONNELL. Now, on another matter, Mr. President, last week, the top Democrat on the Judiciary Committee said that some would like to do "some sort of a pretend hearing" on the President's Supreme Court nomination. He went on to dismiss the idea by noting that the Senate "is not a pretend office." Apparently, he was overruled.

Later today, Democrats will have what he called a "pretend hearing." Senate Democrats initially invited a witness who, at the beginning of the Bush administration, wrote this: "The Senate should not act on any Supreme Court vacancies that might occur until after the next presidential election." He also wrote that this would be a "responsible exercise of the Senate's constitutional power." Apparently, that witness is no longer available—interesting.

The would-be witness is Abner Mikva, a former Democratic Congressman, Federal judge, and White House Counsel. He wrote these words in the second year of President George W. Bush's first term. It was not, like the situation today, in the eighth year of a term-limited President.

Democrats certainly have a complicated history when it comes to their own words and the Supreme Court. They have the Schumer standard: Don't consider a President's nominee

1½ years before the end of his final term. They have the Biden rule: Don't consider a President's nominee before he has even finished his first term. Now they have the Mikva mandate: Don't consider a President's nominee from, basically, the moment he takes office.

It seems the more we hear from Democrats about the Supreme Court, the more we are reminded, by comparison, of how reasonable and commonsense the Republican position is today.

OBAMACARE

Mr. MCCONNELL. Now, on one final matter, Mr. President, that our colleagues will discuss further a little later today, a video recently surfaced that should concern all of us. It was three of President Obama's former speechwriters laughing it up. They were reminiscing about the time they apparently helped mislead the American people with a line that would one day become PolitiFact's "Lie of the Year": "If you like your health care plan, you can keep it."

They laughed and laughed. It was, evidently, pretty funny to them. It is no laughing matter, however, for the millions—millions—who have lost their plans. It is no laughing matter for the millions who continue to suffer under this partisan law, this partisan attack on the middle class.

Health care costs are now the No. 1 financial concern facing American families, according to a recent survey—No. 1—more than concerns about low wages, more even than concerns about losing a job.

Another survey found a clear majority of Americans disapproving of this partisan law. Yet another survey found that, of Americans who said Obamacare had impacted them, more reported it hurting rather than helping them.

If recent headlines are anything to go by, it is no wonder. Americans now face premium hikes of up to 30 percent

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



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in Oregon and 37 percent in Virginia. They face premium spikes as high as 43 percent in Iowa and 45 percent in New Hampshire. In Tennessee, the State's largest health insurer is planning additional rate hikes that are even higher than the 36.3 percent implemented just this past January.

Remember, this is the same law whose champions promised it would make health care more affordable for American families. But nearly half of all Americans reported increases in their insurance premiums, and more than a third reported increases in copays and deductibles in the past 2 years.

Consider this dad from Jackson, KY, who learned that his insurer would no longer offer his current plan as a result of ObamaCare. He said that the most inexpensive replacement plan would be an 80-percent increase over his current monthly premium. "This ill-conceived health care reform," as he put it, "is going to be the end of good-quality care for the whole nation unless it is repealed and replaced." That is from Jackson, KY.

Part of the reason insurers are seeking such dramatic premium rate increases is to help cover the losses they have experienced as a result of the unworkable policies of ObamaCare. Some are pulling out of the exchanges altogether. Several States and hundreds of counties now only have a single insurer to pick from in the ObamaCare exchanges—just one, no choices.

That is true in parts of Kentucky, too, and it is terrible for consumers. What if these sole insurers pull out of the exchanges? An administration official couldn't rule out that possibility, and it doesn't appear they have a serious plan to deal with it either. The administration hardly ever seems to have an ObamaCare answer that doesn't boil down to this: more money from taxpayers.

Look, this is not a law that is working. This is not a law that is fair. This is a partisan law that is a direct attack—a direct attack—on the middle class.

The Democratic leader recently said that Americans just need to "get over it"—just get over it—"and accept the fact that ObamaCare is here to stay." ObamaCare, he says, is "doing so much to change America forever." Maybe Democrats think the middle class should just get over double-digit premium increases. Maybe Democrats think it is funny that millions of Americans lost their plans because of ObamaCare.

Republicans think we should work toward better care instead. That is why we recently passed a bill to repeal ObamaCare and start over with real care. ObamaCare may be changing America, but this partisan law's attacks on the middle class do not have to go on forever, as the Democratic leader would like. We can give our country a new and better beginning.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

OBAMACARE

Mr. REID. Mr. President, my friend, the Republican leader, continues to complain about ObamaCare. This has been the mantra of the Republicans since it passed. But the true facts are these: ObamaCare has reduced the number of uninsured to the lowest rate since we have been keeping records in America. The uninsured are going down, not up. People are healthier now as a result of being able to go to the doctor or the hospital when they are hurt or sick.

Now, we talk about ObamaCare in a vacuum. What was going on before ObamaCare? Insurance companies ravaged the American people. The people who were fortunate enough to have health care had to be aware that at any given time they could have their insurance canceled. If you were disabled, there was no insurance. But that isn't all. If you had a prior malady of some kind—if you had cancer, if you had diabetes—you couldn't get insurance—but not anymore. Under ObamaCare you cannot be denied insurance for any condition.

They used to charge women more than men—for no reason, except that some statistical analysis had taken place in some dark room by a guy with green eyeshades who determined that maybe, statistically, women cost a little more than men. They can't do that anymore.

I am always so stunned by this mantra: "We have to replace it." With what? It has been 7 years. With what? The Republicans have come up with nothing.

So, in short, is ObamaCare perfect? Of course not. Could we improve it? Yes, we could. But it would be nice to have a little cooperation from the Republicans. They are unwilling to do anything other than complain.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, again the senior Senator from Kentucky complains about the fact that the most senior member of the Senate, the ranking member of the Judiciary Committee, Senator PAT LEAHY, is going to have a meeting today, and he has invited all the Judiciary Committee members to come—Democrats and Republicans. He has invited all Senators to come because he is going to have some witnesses testify about the importance of having a Supreme Court that is full of Justices—all nine. So that means full.

Republicans won't come to that hearing, meeting. Call it whatever you want. They won't be there. No, they are blocking that, obstructing that like they have everything else.

The American judiciary is in trouble, and that is why the ranking member of the Judiciary Committee is having this meeting today. To do its work, the U.S. Supreme Court needs nine Justices—not eight, not seven, but nine. But because of Senate Republicans' refusal to consider a senior judge on the DC Circuit—the second most influential court in the land—Merrick Garland, the Court is in trouble. The Court is short-staffed. The Court doesn't have enough people to do its work. People—we are talking about one person who has so much control over what goes on in the Supreme Court. But that person is not there.

In recent weeks, the Supreme Court has deadlocked on many important cases and questions before it. For example, the day before yesterday, the Justices punted on two more cases, remanding both to lower courts. These actions were a clear indication the Court was tied 4 to 4. Due to the wisdom of the people on that Court, they decided it would be better, since they could not write the decision, to send it back to the lower courts and see if they could help work out the problems.

Not having nine Justices is a serious problem. As was written yesterday in a New York Times editorial: "Every day that passes without a ninth Justice undermines the Supreme Court's ability to function, and leaves millions of Americans waiting for justice or clarity as major legal questions are unresolved."

Litigants take their cases to the Supreme Court in search of justice. It often takes years to get to that Court. They seek resolution. They seek clarity, but because of Republicans' unprecedented obstruction, Americans have gained neither. They are not getting clarity, they are not getting resolution, and they are not getting justice. The problem is only going to worsen, and that is the sad part of it. Already, the stalemate has created long-term issues for our Nation's highest Court.

This term, eight Justices on the Court have agreed to hear only 12 cases its next term, which begins in October through January 2017. If the Court continues to accept or, I should say, not accept cases at this glacial pace, the next term will have Justices hearing fewer cases than has been heard by that Court in more than seven decades, 70 years. It stands to reason that Chief Justice Roberts and his colleagues are calling cases according to their ability to hear and process them. A gridlocked Court can't accomplish the same work as a fully staffed Court. It is not the Supreme Court's fault. The blame belongs to Senate Republicans for their blocking Merrick Garland's nomination. For 7½ years, Senate Republicans have blocked anything President Obama has proposed. Who is behind this? Rightwing organizations led by the Koch brothers. They want to keep it just the way it is. They want to keep this Court so it can't do its job.