

them. She also argued that these agencies weren't acting under the scope of the congressional authority granted to the agency, and she argued that congressional authority had to be respected. It seems to me that it is up to Congress to give these agencies more authority if we think they need it. But it is not a good reason to vote against Ms. Brand's nomination because she argued a very commonsense and constitutional position that Federal agencies need to follow the laws of Congress.

Finally, some Senators have maintained that they are concerned about her views on the Voting Rights Act. She responded very well to that. During her hearing, Ms. Brand told the committee that she shares concerns for anyone who would violate the Voting Rights Act and would suppress votes in the process of violating that act, and she believes "enforcement of that statute to be a core enforcement function of the civil rights division." I don't know about my fellow colleagues, but I take her at her word that she strongly believes in voting rights.

It is more than a little puzzling, then, that when Republicans opposed a woman for a government position, we heard from the other side. The Democrats would always bring up gender politics. But when they oppose a woman for a position, that is somehow OK. I don't see how they can expect to have it both ways.

I believe Ms. Brand will be a superb Associate Attorney General—the first female in this role, I might add—and that she will serve the office with very great distinction. I urge my colleagues to join me in supporting her nomination.

Mr. President, I ask unanimous consent for 5 or 6 minutes to speak on another subject as in morning business.

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

#### HEALTHCARE LEGISLATION

Mr. GRASSLEY. Mr. President, I come to the floor to share real stories of real hardships from hard-working families in my home State of Iowa. Seven years ago, Americans were promised that the Affordable Care Act would make health insurance cheaper and healthcare more accessible. Well, I won't pretend to break any news here; the facts speak very much for themselves. ObamaCare is not living up to its promises. When passing the law, the other side made promises that they knew wouldn't be kept.

The irony here is that, at the end of the day, the so-called Affordable Care Act is anything but affordable. Let's look at the word "affordable" in the Webster dictionary. It says "having a cost that is not too high." I have heard from many Iowans who tell me in no uncertain terms that they cannot afford to buy health insurance because ObamaCare is unaffordable. Ever since ObamaCare was enacted, I have received letters and calls and emails from Iowans who are frustrated about the soaring costs of their health plans.

Here is a prime example. One farmer's insurance premium went through the roof. It jumped 43 percent in 2017 from 2016. If somebody can explain how that is more affordable, I have an oceanfront property in my home county of Butler County, IA, to sell you.

Now, we have a chart here about another Iowan. This constituent from Garner, IA, wrote about her financial hardships. She said:

We are going to be paying over \$1,300 a month on premiums, plus a \$6,000 deductible. We don't have that much longer before we qualify for Medicare, but my concern is that until then, we will have to use so much of our hard-earned savings just to pay for healthcare. My fear is that those of us in the middle class will struggle with paying so much that it will wipe out our retirement savings accounts.

Another constituent nearby Garner, in Buffalo, IA, wrote to me saying:

I am forced to pay \$230 a month for a healthcare plan that covers nothing until I reach \$11,000 in deductible. So on top of paying 100 percent of my medical bills anyway, now I have to pay for insurance I can't use.

So the question is, How did we get to this point? Seven years ago, I stood right here on the Senate floor and predicted what would happen to the cost of insurance if ObamaCare passed. Let's take a walk down memory lane for a moment. Here is what I said October 2009:

And while some of the supporters of these partisan bills may not want to tell their constituents, we all know that as national spending on healthcare increases, American families will bear the burden in the form of higher premiums. So, let me be very clear. As a result of the current pending healthcare proposals, most Americans will pay higher premiums for health insurance.

Now, I am not Nostradamus. I don't have a magic crystal ball, but it was easy to read the writing on the wall. I knew that layers of new taxes and, more importantly, burdensome new mandates in ObamaCare would lead us to where we find ourselves today: a broken healthcare system that is not better off than it was 7 years ago. For millions of Americans, it is much worse.

So where do we go from here? After 7 years of rapidly rising premiums, soaring deductibles, and climbing copays, Republicans are committed to fixing the damage caused by the Affordable Care Act. Instead of joining us in an effort to fix what is broken, the other side is doing their best to scare the living daylights out of Americans.

From the way they tell it, the House bill is "deadly." What is truly fatal is the death spiral the ObamaCare marketplace is in. Not only is it unaffordable for too many people, it is simply unsustainable. ObamaCare is unable to fulfill its promises to the American people. Here is what every lawmaker in Congress ought to agree on: Insurance is not worth having if patients cannot afford to use it.

The facts are very clear. A one-size-fits-all, government-run plan is driving insurers out of the exchanges, driving

up premiums, driving away customers, and driving up the tab to the tax-paying public. I spoke 2 days ago about the impact of Obamacare in Iowa. Next year it is possible that 94 of our 99 counties will not have insurance plans on the Obamacare exchange.

So even if you benefit from the subsidy of ObamaCare, you are not going to have an insurance company to go to. All of this because ObamaCare has overregulated, overtaxed, and oversold its promises to the American people. ObamaCare has not healed what ails the U.S. healthcare system. It is time to move forward.

I urge my colleagues to drop the partisan charade and join us for the good of the American people. I will continue coming to the floor to share how ObamaCare is not working for Iowans, but in the meantime, the Senate will continue working to rescue our healthcare system that is sinking under this broken law.

I yield the floor.

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

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

(The remarks of Mr. THUNE pertaining to the introduction of S. 1144 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, the Senate has under consideration the nomination of Rachel Brand to be Associate Attorney General of the United States, one of the very top positions in the Department of Justice and in law enforcement. It is a position of consummate trust and responsibility, requiring full public confidence. I will oppose this nomination, and I will oppose all nominations for the Department of Justice until public trust and confidence in the rule of law is restored and sustained by appointment of an independent special prosecutor to investigate Russian interference in our last election and potential links to the Trump campaign and Trump associates.

I opposed Rod Rosenstein's nomination. In fact, I was the only member of the Judiciary Committee to vote against it and one of six on the floor to oppose it for exactly the same reason. I stated to him publicly and privately that the only way to preserve his own reputation—well established over many years—and the trust and confidence in the Department of Justice was to appoint an independent prosecutor. So far, regrettably, he has failed to do so.

That question will be the first of my priorities when the full Senate meets with him tomorrow. We will demand to

know from him what the timeline was for the firing of Director Comey, who said what to whom, why his memorandum was written, and whether he will now commit, after these most recent startling revelations just yesterday that the President of the United States suggested—indeed, explicitly demanded—that Director Comey stop his investigation involving potential ties of Michael Flynn to Russian interference in our election.

Chilling facts raised in the last several days now raise serious questions about obstruction of justice by the President of the United States. So we consider this nomination at a truly unusual, very likely unique and unprecedented time in our country.

The revelation last evening that President Trump asked the FBI Director to shut down the Federal investigation into his then-National Security Advisor, Michael Flynn, is evidence of severe political interference and possibly criminal wrongdoing in an ongoing criminal investigation. The evidence of obstruction continues to mount. We are witnessing an obstruction of justice case unfolding before our eyes in real time. Revelation after revelation continues to shake this country's confidence in our government and in this administration's competence. The need for an independent special prosecutor has never been so clear and convincing and so unquestionably necessary.

I call on my Republican colleagues now to rise to this challenge, to shine in the light of history, and to commit that an independent special prosecutor will be appointed to uncover the truth and hold accountable anyone who has committed wrongdoing.

Because so far we have no such special prosecutor, I will oppose this nomination. But I also have disagreements with Rachel Brand. I respect her record of public service. I believe she is simply not the right person to serve as Associate Attorney General because of her longstanding, apparently deeply held philosophy on the use and proper application of government power. When the Federal Government engaged in actions that threaten the privacy rights of innocent Americans, Ms. Brand has advocated nonaction. I believe the United States must protect the privacy of her citizens, and that fact is only one among many that cause me to disagree with her.

The failure to nominate and appoint an independent special prosecutor will lead me to oppose all of the nominations that are set forth by this administration, including anyone nominated for the FBI. I think it should now be clear, if it was not before, that such an independent prosecutor is necessary.

Parallels have been drawn by Members on both sides of the aisle to the Watergate scandal. To this day, we don't know whether President Nixon ordered the Watergate break-ins or simply was a beneficiary of the crime, just as we don't know now whether

Donald Trump colluded with Russian interference in the 2016 election or simply benefitted from Russia's criminal aggression. The Watergate scandal gave rise to the saying that "the cover-up is worse than the crime." In this instance, what we know is that the Russian interference was aimed at a wholesale theft of our democracy, far more serious than the Watergate break-in. What we do know about Nixon—and these facts became the basis for the first article of impeachment—is that he attempted to indirectly interfere with an FBI investigation into that break-in. Put very simply, while Nixon may not have directly threatened to fire the FBI Director if that Director continued to investigate Nixon associates, he made clear that his preference as head of the executive branch was that any such investigation should cease.

"History doesn't repeat, but it rhymes." That is a saying that has profound truth here. We now have credible reports that President Trump attempted to do directly what President Nixon sought to do indirectly. He stopped a lawful, ongoing criminal investigation. Nixon ordered his staff to work through the CIA to pressure the FBI to drop the Watergate investigation. President Trump simply summoned Director Comey into the Oval Office, according to reports that certainly need to be verified, and ordered everyone else to leave the room, suggesting then that the Director drop his investigation. He did so just 2 weeks after having told Director Comey that he might not have a place in the Trump administration and making clear that Director Comey's loyalty to him might well determine whether Comey would keep his job. When Director Comey rejected Trump's suggestion, in effect, he was fired. That is the line of facts established by this mounting evidence. It is a serious charge.

We should be cautious. If Director Comey did not write that memo or if, for some reason, there is a question about the truth, perhaps the suspicions are unfounded, but there is credible and significant evidence. Director Comey has established—to both his critics and his friends—that he is a man of probity and dedication to public service and to this Nation.

We cannot feel confident about nominations for any of these positions—whether it be Director of the FBI or Associate Attorney General—from a President who has demonstrated such contempt for the rule of law and for law enforcement, which is the job of the Department of Justice. The White House's timeline and justifications for the decision to fire Director Comey certainly now, at this moment, fail to meet the test of credibility.

We know from the President's own words in interviews he conducted late last week that the FBI investigation into possible collusion between individuals in the Trump campaign and the Russian Government was on the Presi-

dent's mind when he decided to fire the FBI Director. In at least two conversations, the President asked the FBI Director about this investigation and the related investigation into former National Security Advisor Michael Flynn.

Late last night the Times revealed the details of one such conversation. It occurred in the Oval Office the day after Flynn resigned. The account written by Director Comey, which seems to meet fully the test of credibility, is absolutely chilling. "I hope you can see your way clear to letting this go, to letting Flynn go," Mr. Trump told Mr. Comey, according to the memo reported in The New York Times. "He is a good guy. I hope you can let this go." When the FBI Director continued to pursue the investigation, President Trump fired him.

We are witnessing this obstruction of justice in realtime, and these revelations are shaking our country's faith in the independence of our Nation's highest ranking law enforcement agency, our rule of law, and our national security. It is a theft of our democracy—literally, a threat to our national security—from Russian meddling in the election, potential Trump ties, and links to that interference in our democracy—the core, foundational exercise of our democracy being voting—and then waiting for 2½ weeks when then-Deputy Attorney General Sally Yates warned that Michael Flynn was vulnerable to blackmail as National Security Adviser—blackmail from the Russians. She was fired only days later.

When the investigation into that Russian meddling and Trump's ties to it continued, Director Comey was summoned to be told that the investigation should be shut down, and he was fired when he refused to do so. Very likely, part of that decision related to the request for additional resources that Director Comey made to Rosenstein shortly before he was fired and his refusal to rule out the President as a target of that investigation when he came before the Judiciary Committee.

The facts will eventually form a mosaic, and that mosaic may dramatically show a picture of criminal conduct. That is the process of investigating and prosecuting criminal wrongdoing. Right now, that activity requires a fidelity to the rule of law in one's getting all of the evidence, including transcripts, tapes, memos, and other documents. They must be subpoenaed immediately so that they are not destroyed or concealed, so that they are preserved and produced. That must be done without delay, including there being testimony under oath, in public, from Comey, Attorney General Sessions, Deputy Attorney General Rod Rosenstein, and Don McGahn, White House Counsel. They should be called to testify by the Judiciary Committee, under oath, and in public.

I hope that my colleagues will, indeed, rise to this challenge and shine in the light of history and commit now to

an independent special prosecutor who can ensure that the truth is uncovered and that accountability is imposed for any criminal wrongdoing so that we will prevent any obstruction of justice because the American people deserve it, they need it, and they demand it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Maine.

#### HEALTHCARE LEGISLATION

Mr. KING. Mr. President, I rise to speak for a few minutes on the AHCA, which is the healthcare bill that was recently passed in the House.

I believe the letters stand for “anti-healthcare bill” as there are many troublesome aspects of this bill—kicking something like 20 million people off of health insurance and compromising essential benefits. It is what I call a “fig leaf” preexisting condition provision, which does not provide adequate funding in order to actually protect people with preexisting conditions.

Yet what I really want to focus on today are two interrelated provisions—a massive cut to Medicaid and a massive tax cut for the wealthiest Americans. By the way, that tax cut gives a zero tax cut to anyone making less than \$200,000 a year. I will talk about that in a moment.

Let's talk about the Medicaid cuts, however. This is a part of the bill that has not gotten much attention. It is \$840 billion over 10 years. It will be about a 10-percent cut of Medicaid funds in Maine. It is hard to get an actual analysis of that, however, because the House bill was passed without any Congressional Budget Office analysis—none, zero. Unbelievably, the Members of the House voted for a bill that they, literally, did not know the financial effects of—how it would affect the States, how it would affect the people in their States. Maybe, next week, we will get that analysis. Certainly, this body will not act in that way with no Congressional Budget Office analysis.

Let's talk for a minute about who is on Medicaid, as 34 percent of the people on Medicaid are children, 20 percent are disabled people, and 18 percent are elderly. In other words, almost three-quarters—75 percent—are children, disabled, and elderly people. Many people talk about and think about Medicaid as some kind of welfare program. This is an essential lifeline for some of the most vulnerable people in our society—children, the disabled, and the elderly—75 percent—and 75 percent of the funding goes to disabled and elderly people.

The people who sponsored this bill and who are talking about it across the country talk about flexibility. Yes, there are some cuts, but we are giving the States flexibility. That is nonsense. They are giving the States flexibility to make decisions between funding programs for the elderly and programs for children, between cutting off programs for opioids and providing support for people who are disabled. That is not flexibility. That is just passing agoniz-

ing choices off to the States. I was a Governor, and I know about having to make these kinds of decisions. To cut this money by this huge amount—almost \$1 trillion over 10 years—and act as though it can all be made up through some kind of fake flexibility is just an unspeakably cruel way to shift this burden to the States.

The bill talks about saving on the deficit. It saves on the deficit because \$840 billion is shifted to the States. Let them pay it—shift and shaft. That is what it is—shift and shaft. Shift the cost and shaft the States, particularly the people in those States who depend upon these programs—those people being the disabled, the elderly, children, people with disabilities, and those who are struggling to defeat the scourge of opioids and opioid addiction.

I want to talk about some people today. I want to talk about this guy, Dan Humphrey. He is 28 years old and lives in a group home in Lewiston, ME. He has autism and is nonverbal. He has some bipolar characteristics and a seizure disorder but is gentle and charming, and you can see his smile. He has very basic functional communication skills. He enjoys jumping on a trampoline and drumming. He performs all of his chores to care for himself, with prompting and guidance, such as laundry and grocery shopping. He is proud of his volunteer jobs. He serves Meals on Wheels to clients through the week, and he takes excess food from a nearby college to a local soup kitchen every Saturday.

Daniel needs around-the-clock support in order to maintain this quality of life. When this level of programming was unavailable or is unavailable, he regresses and becomes aggressive. Even at current funding, Daniel is one of the lucky ones, as he is not on a waiting list. Although he qualified for services, it took him 8 years to get a home and a community-based service waiver for him to be able to live the life he does. He is in a group home in the wonderful city of Lewiston, ME, where he lives today. He is contributing. He has a decent life.

By the way, this is all about people. It really bothers me that we talk about policy and ideology and free markets and flexibility. We are talking about people. We are talking about real people whose lives are on the line—people who are struggling with opioid addiction, elderly people who have no place to go, and disabled people like Dan and like Lidia Woofenden.

Here is Lidia. She graduated from Mt. Ararat High School in June. She turns 21 in August. That is the high school my kids went to. I had two boys graduate from that high school. When she was 4 years old, she was diagnosed with a delayed growth of myelin on her brain, and, at 15, she began having seizures and was diagnosed with a rare genetic disorder. She lives with intellectual disabilities, seizures, and their side effects, as well as with a general lack of physical coordination. Yet, as

her mom says, that is not who she is. She is charming and funny. Her mom calls her friendly and goofy and the stubbornest cuss.

She was never expected to read but is now on her fourth Harry Potter book. She was never expected to ride a bike, but now she does. She even has a job. After years of volunteering at a local nursing home, she was offered a part-time job and is doing well. She is doing this because she had support from Medicaid. She cannot cross a street by herself, and she needs to be reminded to brush her teeth. She has no sense of money or danger. On the one hand, she is 20 years old; on the other hand, she is 6 years old. In other words, like most young people, she is complicated. Everything she has achieved has been accomplished with the help of dedicated teachers and therapists and has been almost exclusively funded through special education in the public schools and by Medicaid.

By the way, Medicaid provides help to the tune of \$26 million a year to children in Maine schools who need it. One of the amendments passed at the last minute in the House puts that funding through the schools in jeopardy. She has made monumental gains, but she will never be able to live alone.

What happens when we make these cuts? What happens to Lidia? What happens to Dan?

In the old days, they were warehoused. They were in facilities that were far away—out of sight, out of mind—or with their parents, who had to bear the burden, who themselves could not work because they had to take care of the children. These are just two people—two examples—of what we are talking about here.

Who will speak for them? Who will stand up for them?

I will, and I hope this body will. We are the last bulwark between this terrible piece of legislation that was passed in the House and these people and millions like them across the country. Who will stand up for them?

Why are we doing this? Why are we putting States through the ringer of having to make decisions to choose between Lidia and an elderly person in a nursing home and between a child and a young man who is trying to beat opioids? Why are we forcing them to make those choices?

It is because we want to give a huge tax cut to the wealthiest Americans, and I am talking about a huge tax cut. It is the most skewed tax cut in history because it only goes to a few people. Seventy-nine percent of the benefit of this tax cut goes to millionaires, which is an average tax cut of \$54,000 a year. Now, \$54,000 a year to multi-millionaires—the top one-tenth of 1 percent, those with incomes above \$6 million—would receive tax cuts of more than \$250,000 a piece in 2025 under this legislation.

We are putting people like this at risk in order to have somebody buy another Maserati. It is unbelievable that