

insurance at all. To make matters worse, under ObamaCare, many Kentuckians don't have the option to select the best provider for themselves and their families.

Let's take a look at the chart behind me. In Kentucky, under ObamaCare, 49 percent of our counties—49 percent—have one insurer, one. For Kentuckians in half of our counties, half have one choice. Really, when you have one choice, you have no choice at all.

It is not as though this situation is unique to my State either. This year, there are 26 States with at least one county where residents have only a single insurance option under ObamaCare. That means millions of Americans living in more than 1,000 counties across the country really have no choice at all—no choice at all—when it comes to ObamaCare.

Those families didn't get the increased choices they were promised under that law. They have been left to shoulder the burden nonetheless, and things have only gotten worse over time.

In fact, just this week, people on the ObamaCare exchanges in three more States—Vermont, Virginia, and Oregon—learned they could face double-digit premium increases as high as 20 percent next year. I would ask our Democratic friends, are they really OK—are you really OK with ObamaCare's continuing attacks on the middle class?

One constituent from Lexington in my State wrote me about her frustration with the status quo under ObamaCare. Here is what she had to say:

My insurance is way more than what I can afford. I can't imagine many others who can pay more for health insurance than their mortgage.

She and her husband had shopped on the exchanges for healthcare, but the lowest premium options were around \$1,000 a month—listen to this—\$1,000 a month, and that got them a \$10,000 deductible; \$1,000 a month would only get a policy with a \$10,000 deductible. So they decided to go uninsured and pay the penalty. She said:

The cost will be minor compared to the useless premium cost.

The last part of this Kentucky woman's message is something I think we should all remember throughout this debate. She said:

Please remember that there are many people depending on Congress to set this . . . right.

Americans like her are counting on all of us to leave ObamaCare's failures where they belong—in the past. For years, they have suffered under a collapsing system. Yet our friends across the aisle continued to defend the broken law regardless of its significant problems—problems that even many of them have, by the way, started to acknowledge.

Last week, Senate Democrats sent me a letter effectively admitting that the ObamaCare status quo is

unsustainable. I hope that means they are prepared to join us in moving beyond their failed law. Otherwise, Senate Democrats are essentially telling the American people that they are OK with the status quo and that ObamaCare's collapsing markets, double-digit premium increases, and counties with only one insurer represent the new normal for healthcare in our country. Surely, they are not comfortable with that.

My constituents refuse to accept the status quo. The only question that really remains is this: Will Senate Democrats work with us to move beyond the status quo?

The entire Senate Republican Conference has been at work debating ideas and making progress. We are pursuing smarter healthcare policies for Kentuckians like the couple in Lexington and the millions more like them across the Nation who know that ObamaCare just isn't working. I hope our friends on the other side of the aisle will agree to join us in bringing some relief to all of these families who desperately need it.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, last night, Deputy Attorney General Rod Rosenstein appointed former FBI Director Robert Mueller as a special counsel to oversee the investigation into Russia's interference in the 2016 elections.

This was a very good first step. Mr. Rosenstein has done the right thing. I applaud his decision for both its correctness and its courage. A special counsel was much called for in this situation. Former Director Mueller is the right kind of individual for the job. I now have significantly greater confidence that the investigation will follow the facts wherever they lead. Additionally, as special counsel, Mr. Mueller must have broad latitude to pursue the Russia investigation. In the appointment order, it stipulates that the special counsel is authorized to investigate "any matters that arose or may arise directly from this investigation." That is a really important power, given recent reports about an active FBI investigation into General Flynn.

I am heartened by the news of Mr. Mueller's appointment, but it in no

way diminishes the need for Congress to play an active role in helping to get to the bottom of recent events. Intelligence Committee Chairman BARR and Ranking Member WARNER should still pursue the congressional investigation into these matters with just as much vigor. That investigation has been proceeding in a bipartisan way, and it absolutely should continue as such.

We should still seek testimony from Mr. Comey in both the Judiciary and Intelligence Committees to discuss the events surrounding his dismissal and be given access to memos and transcripts or tapes of his conversations with President Trump. Mr. Comey was central to the events of the past few weeks. We still need to hear from him. I thank the bipartisan leadership of both the Intelligence and Judiciary Committees for requesting both the records and public testimony of Director Comey.

Congress, specifically the Judiciary and Intelligence Committees, should still be given access to any transcripts or related summaries of the President's meeting with the Russian Foreign Minister and Ambassador, during which reports have alleged he may have divulged highly sensitive intelligence.

Finally, there is still a great need as before for the next FBI Director to be someone who is nonpartisan, independent, fearless, and of unimpeachable integrity. A career politician of either party or anyone who suggests a lack of impartiality, should not be considered. The appointment of Mr. Mueller is a great first step toward getting the Russia investigation back on solid ground, but these other things also need to happen: Mr. Comey testifying; the White House turning over to Congress the relevant tapes and transcripts, if they exist; and the selection of an independent, impartial FBI Director.

Later this afternoon, the Deputy Attorney General, Rod Rosenstein, will brief all 100 Senators at the request of the two leaders, the majority leader and myself. He can brief us on a great many things, including the events of Mr. Comey's dismissal and the status of the Russia investigation.

While the briefing itself will not take place in a public setting, I hope that much of what we learn today can be shared with the American public.

So in the interest of getting all the facts, we in Congress look forward to hearing from Mr. Rosenstein this afternoon. It is a sign that while we wholeheartedly applaud the appointment of a special counsel, we in Congress must continue to do our jobs as well.

CRIMINAL JUSTICE REFORM

Mr. SCHUMER. Now, on another matter, Mr. President, criminal justice reform. Last week, Attorney General Jeff Sessions ordered Federal prosecutors to "charge and pursue the most serious readily provable offense," even for low-level drug crimes. Functionally, this means Federal prosecutors

will seek the harshest possible penalty even for nonviolent, low-level drug crimes.

This is a significant reversal from the Obama-era Smart on Crime Initiative, in which Federal prosecutors were instructed to focus on more dangerous drug traffickers and avoid charging less-serious offenders with crimes that required long, mandatory minimum sentences. As a result of the Obama policies, Federal drug cases dropped by more than 19 percent between 2012 and 2016, according to the U.S. Sentencing Commission. Cases with charges carrying longer, mandatory minimum sentences fell precipitously, from nearly 60 percent in 2012 to 45 percent last year. Thanks in part to this initiative, President Obama became the first President since Carter to leave the White House with a smaller Federal prison population than when he took office.

Meanwhile, prosecutions of the more serious crimes—the evil drug dealers, those who run the drugs, often from out of this country to here, they are the ones we can really go after and need to go after—increased by 17 percent and 14 percent, which makes it the way we can stop these evil drugs from coming into this country.

So that policy was tough on crime and smart on crime. Our law enforcement agencies have finite resources. They should be focused on combating violent crimes. When a prosecutor is spending hours in court, days, for a low-level possession charge and not having the resources to go after the drug runners, the drug dealers who poison our kids, that is misplaced priorities.

What Attorney General Sessions has just ordered is the exact opposite approach of what we need. Instead of giving judges and juries the discretion to use their judgment in sentencing, it compels prosecutors to seek as much jail time as they can get for every single offense, treating low level and high level the same. It is a blunt instrument that will result in more unnecessary, punitive sentences, overcrowding of our prisons, and will be less effective in our fight on crime. It runs completely counter to a bipartisan consensus here in Congress.

Many Members of this body, Democrats and Republicans, agree that mandatory minimum sentences have led to bloated, costly prisons, and disproportionately ravaged minority communities.

In the last Congress, a bipartisan group of Senators sought to make meaningful progress with a sentencing reform proposal that had, among its cosponsors, a diverse group of Senators, ranging from Senators DURBIN and BOOKER on the Democratic side to Senators LEE and PAUL on the conservative side. Unfortunately, those efforts to strike a compromise to bring much needed reform to our Nation's criminal justice system were derailed by the obstruction of, guess who—then-Senator

Sessions, with the cooperation of the Republican leadership. Now, after making progress under President Obama and Attorney General Holder, Attorney General Sessions has chosen to simply revert back to the one-size-fits-all approach that criminologists, police leaders, and bipartisan lawmakers have determined is not the right answer.

In order to truly be tough on crime, we must be smart on crime. This approach is dumb on crime. Congress, of course, still has the power to legislate this issue. We have the power to override the Attorney General's decision. So I hope this misguided change in the Department of Justice's policy revives a bipartisan desire to pursue sentencing reform. When we look for areas where there can be significant bipartisan cooperation, this is one of them. I hope Leader MCCONNELL will choose to pursue it.

Thank you, Mr. President.
I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Brand nomination, which the clerk will report.

The assistant bill clerk read the nomination of Rachel L. Brand, of Iowa, to be Associate Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided in the usual form.

The Senator from Connecticut.

HEALTHCARE LEGISLATION

Mr. MURPHY. Mr. President, I am on the floor to talk about the status of America's healthcare system. As we speak though, the country is obsessed with the question of the firing of FBI Director Comey and the appointment last night of a special counsel who is going to seek to get to the bottom of this question as to whether there was coordination between the Trump campaign and the Russian Government and their attempts to influence an American election.

There have been secret meetings happening in the Senate among Republicans—reportedly 13 Republicans, to be specific—attempting to craft a new version of legislation that passed the House of Representatives, now, I guess,

2 weeks ago, that would rob healthcare from 24 million Americans. According to the Congressional Budget Office, it would drive up costs for everyone immediately by about 15 percent to 20 percent and jeopardize the protections that are built into the law for people with preexisting conditions.

There is no CBO score on the latest House proposal because Republicans decided to ram the bill through without the ability of anyone to read the legislation. No one read that bill. Let's be honest. It was filed hours before it was voted on, and no one knows the cost of that bill because they didn't wait for a CBO score.

It is simply unbelievable that the House of Representatives decided to reorder one-fifth of the American economy without reading the proposal or without understanding its cost, but Republicans in the Senate are attempting to pass their own version of a repeal-and-replace bill. We await the results of these secret partisan meetings.

I think Democrats have been pretty clear that we would like to be in this conversation. We want to preserve what works in the Affordable Care Act, and there is a lot that works. A new report out just a couple of weeks ago shows an astonishing decrease in the number of people who face personal bankruptcy in this country. Why? Because half of personal bankruptcies in the United States of America, prior to the Affordable Care Act being passed, were due to medical debt. So the reason that less people than ever before are having to declare personal bankruptcy is because medical bills don't bankrupt them anymore because of the Affordable Care Act. Let me guarantee you, that number will spike back up if anything approximating the House bill passes.

We think there are good things in the Affordable Care Act. Our constituents agree. Polling now routinely tells you the majority of Americans want to keep the Affordable Care Act, not replace it, but we want to be part of a conversation in which we talk about keeping the things that work and addressing the parts of the healthcare system that don't work. Costs are still way too high. We would like more competition on these exchanges. So let's have a conversation about that.

As of today, Democrats are being shut out of the process. If you are represented by Democrats in the U.S. Senate, you have no voice in this process because Republicans have chosen to do it just amongst their own party. I think that is a shame. I understand in the end, Democrats passed a product in 2010 with Democratic votes, but anybody who was here remembers that there was a long process by which President Obama and Democrats in Congress tried to work with Republicans and brought the bill through the committee process. The HELP Committee and the Finance Committee had exhaustive meetings, hearings, and markups. In the end in the HELP Committee, upon which I sit today, there