

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 re-order 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

were over 100 Republican amendments that were accepted and included in the piece of legislation that eventually passed on the floor of the Senate.

As far as we know, this secret process happening behind closed doors will include no Democrats now and will not go through a committee process. If they ever come up with something that can come up with 50 votes, it will be rushed to the Senate floor. That is outrageous. We want to be part of this process.

I am on the floor not to talk about what will happen if a bill robbing healthcare from millions of Americans, jeopardizing protections for people with preexisting conditions, comes to the floor of the Senate, I want to talk about what is happening right now because President Trump made it very clear, just a few days after he was sworn in, that his desire was to kill the aspects of the American healthcare system that are affected by the Affordable Care Act. By the way, that is almost the entirety of the American healthcare system because that bill did—in addition to extending coverage to 20 million Americans—grant protections from insurance abuse to hundreds of millions more.

A January 20 Executive order issued by the President said that “it is the policy of my Administration to seek the prompt repeal” of the law. It said:

To the maximum extent permitted by law, the Secretary of HHS and the heads of all other executive departments . . . shall exercise all authority available to them to waive, defer, grant exemptions from, or delay the implementation of any provision or requirement in the Act that would impose a fiscal burden on any State or a cost, fee, tax, penalty, or regulatory burden on individuals, families, healthcare providers.

President Trump made it clear that his motive from the start was to destroy the Affordable Care Act. My colleagues, he has consistently kept up that attack. I am often bringing President Trump’s tweets to the floor because, well, they continue to exist on social media. It is nice to be reminded of the fact that, over the course of the first 100 days in office, President Trump has been routinely—routinely—attacking the American health care system, saying: ObamaCare will fall of its own weight; be careful—i.e., if you are thinking of signing up, be careful—discouraging people from signing up for these exchanges.

Once again, ObamaCare is dead, says the President of the United States, despite the fact that 19 million people rely on the exchanges for their healthcare coverage. Here is another one: ObamaCare will explode. Do not worry; he has it taken care of, he says. Finally, ObamaCare is in a death spiral.

So these are the routine, almost daily attacks, rhetorically, that this administration has waged against the Affordable Care Act. He has commanded his agencies to pick it apart in any way that they can. So, to the extent there is any diminution in the

health of these exchanges, to the extent that insurers are thinking about not participating or are pushing up their rates, there is only one reason for it. It is the active sabotage campaign that the Trump administration is engaged in to try to destroy the Affordable Care Act.

This is purposeful. This is intentional. This is planned. That Executive order, unlike some other Executive orders, was not just an exercise in political and public relations, because the next month, in February, the IRS announced that it would not reject tax forms from people who failed to answer the question of whether they had health insurance. So the IRS took a definitive step to undermine the Affordable Care Act by telling consumers they were not going to enforce the individual mandate.

Now, here is a news flash: Republicans think the individual mandate is a good idea. After attacking it for the last 6 years, the House bill they passed includes an individual mandate. It does. It is in a slightly different place. Instead of the penalty applying when you lose healthcare, in the House, all they did was just shift the penalty to when you sign up for healthcare again. All they did was move the mandate from when you lose healthcare to when you repurchase healthcare. But it is still there.

The administration is seeking to undermine the existing mandate. Insurance companies have noticed. Senator McCONNELL came to the floor a week or so ago to take note of the pretty serious premium increases that were requested in Maryland, in part, by Blue Cross Blue Shield. But the head of Blue Cross Blue Shield in Maryland was very clear about why they were increasing rates.

He said the uncertainty around the individual mandate plays a significant role in the company’s rate filing because failure to enforce the mandate makes it far more likely that healthier, younger individuals will drop coverage and drive up the costs for everyone else.

Insurance companies are noticing that the administration is picking apart the protections that can keep rates down in the exchanges and, thus, they are filing higher rates. But with less people in the exchanges than anticipated, insurance companies are also rethinking participation. This is intentional as well. Shortly after taking office, the HHS Secretary pulled the advertising for the Affordable Care Act in the last week of open enrollment. We know exactly what happened here because we have the data on who was signing up before Trump took office and after Trump took office.

Before Trump took office, open enrollment was exceeding open enrollment for the prior year. After that decision was made to pull funding for advertising, open enrollment cratered. The former marketing chief for healthcare.gov estimates that 480,000

people did not sign up for coverage in the last week because the ads were pulled and because the President of the United States was out there actively telling people that they should “be careful” before signing up for the exchanges because he was going to kill it.

So almost half a million Americans did not sign up for these exchanges. A half million Americans don’t have health care today, potentially, because the Trump administration stopped advertising the exchanges and because the President of the United States told people, essentially, not to sign up.

Finally, let me talk about what is happening right now with respect to something called cost-sharing reduction payments. A big part of the Affordable Care Act—and really the foundation of the Affordable Care Act—is subsidies that are given to individuals, often passed straight through to insurance companies, in order to help folks who are lower income buy insurance.

Guess what. Republicans think this is a good idea too. I know that because we stole the idea from Republicans. This was initially a Heritage Foundation plan that was adopted by Mitt Romney in Massachusetts. It was the Republican alternative to the Clinton healthcare bill in 1993. So this idea of individuals getting subsidies is a Republican idea that Democrats stole.

Republicans included it in the House bill. The subsidies are lower, but they are still there. The subsidies come in two forms. One, there is a tax credit to individuals based upon their income, and, two, for lower income individuals there is a payment that goes to the insurance companies that mitigates the amount of money that you have to pay out of pocket—just two different kinds of subsidies.

These subsidies are relied upon by the insurance companies to continue to offer these products. The Trump administration is paying the subsidies but is trickling them out 1 month at a time, constantly making public pronouncements that question whether they will continue to make those payments.

Here is what OMB Director Mick Mulvaney told reporters. He said the administration could pull the plug on subsidies at any time. He said: We haven’t made any decisions. The payments are due, I believe, the 20th or the 21st of every single month. We have not made any decisions at all on whether we will pay in May.

Think about if you are an insurance company executive deciding, A, whether to put a plan on an exchange or, B, if you put a plan on an exchange, how much to charge, and the White House is telling you: You may not get the subsidies that are called for under the law, and we may give you no warning in pulling those subsidies. We are going to pay them for May. We might not pay them for June. Maybe we will pay them for July and August. Maybe we will pull them for September.

How would you make a decision on how much to charge consumers? Why

would you enter into a contract with a State or Federal-based exchange? So whether it is the attack on the individual mandate, whether it is the decision to pull advertising, or whether it is the games being played with cost-sharing reduction payments, there is a coordinated effort inside the White House today to destroy the American healthcare system to the extent that much of the system has the Affordable Care Act at its foundation.

President Trump was pretty clear about this the day of the failure of the first healthcare bill in the House of Representatives. He essentially telegraphed that he was going to try to undermine the Affordable Care Act as punishment to Democrats, and that if he hurt enough people, eventually Democrats would come to the table and negotiate with him. Well, I have a message for the President of the United States: That is not how it is going to work. You are not going to blackmail Democrats by hurting our constituents by undermining the Affordable Care Act.

We want to be part of this discussion about improving the healthcare system. We do. We want to work with Republicans. It will be a much smaller and likely less revolutionary bill than Republicans are considering today, but it will have both party's fingerprints on it. We are not going to be part of a bill that strips healthcare away from tens of millions of Americans, and we cannot support this administration while it seeks to undermine the Affordable Care Act on a daily basis.

If these exchanges fail—I don't think they will, but if the exchanges fail—or if rates go up, there is only one place to put the blame—on an administration that is actively, regularly, and on a daily basis trying to sabotage the Affordable Care Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not. We are on the Brand nomination.

THE INTERNET

Mr. WICKER. Mr. President, I rise today to point out that the Federal Communications Commission is voting today, perhaps this morning, to begin the process to roll back a regulatory framework that should never have been imposed on broadband service providers in the first place. Like many of my colleagues, I am glad the FCC is working to restore the "light touch" regulatory framework that has allowed the internet to thrive since its creation.

This action sets the stage for Congress to then put a legislative solution in place that strikes the right balance between providing regulatory oversight on the one hand and giving the broadband industry the flexibility it needs to innovate and expand on the other hand.

We should not rely on a classification that was devised during the depression

era. There should be 21st-century rules for 21st-century technology. As chairman of the Senate subcommittee that oversees internet issues, I look forward to the task ahead. Keeping the internet free and open is a goal shared by most of us and by many of my friends on the other side of the aisle. A bipartisan solution can help provide long-term certainty for both consumers and broadband providers.

This certainty will be essential to our efforts to close the digital divide and remove barriers to internet connectivity that exist in Mississippi and around the United States. The online experience we enjoy today and the revolutionary advances of the internet over the past quarter century did not happen because of the heavy hand of the Federal Government.

These advances happened because the Federal Government stayed out of the way, supporting a "light touch" regulatory framework where innovation, competition, and investment could truly survive and thrive.

This was the framework that existed under both Republican and Democratic administrations until 2015, when politics got in the way. With a party-line vote, the FCC that year decided to adopt a utility-style framework, as I said, resulting from legislation devised during the depression. It classified broadband service as a common carrier under title II of the Communications Act of 1934.

A utility-style framework for telephones may have worked during the Bell telephone monopoly of the depression era, but that does not mean it is a right fit now. Nor does it mean we should adopt a completely hands off regulatory approach, which I would also oppose. The goal of net neutrality, which is designed to prevent internet providers from prioritizing some legal content over others has not gone away. But we know that handing over broad control of the internet to Washington is also not the answer.

FCC Chairman Ajit Pai has outlined some of the reasons for this, including the impact of title II regulations on big and small internet service providers. If we do not give providers the confidence to invest in better services and better infrastructure, it could limit consumers' options and services. This could also affect our efforts to close the digital divide, to bring the digital world to our rural communities in Alabama and Mississippi. Underserved communities could remain underserved.

Without broadband access, these communities could lose out on critical jobs, economic development, and many other opportunities borne out of the thriving internet economy.

At the end of the day, we need to be asking: What do Americans want and what do Americans need? They need broadband that is accessible, affordable, fast, and reliable. They want to be able to choose the services and content that best meets their needs.

These are the priorities that need to be kept in mind as the FCC works today and as lawmakers work to strike a balance between regulatory oversight and free market productivity.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

TRIBUTE TO MICHAEL CARSON

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

Mr. SULLIVAN. Mr. President, every week I have been coming to the Senate floor to talk about someone in my great State of Alaska who makes Alaska a better place for all of us—for the community, for everybody living there. I call this person our Alaskan of the Week. To be honest, it is one of the most fulfilling things I get to do as a Senator, recognizing back home and across the country special people in my State.

There is no doubt that many here in the Chamber and the people who are watching from home have seen pictures and television shows about Alaska. We are a little biased—I know one of our pages is an Alaskan—that we have the most beautiful State, not only in the country but in the world. So we want to encourage everybody watching to come visit Alaska. It will be the trip of a lifetime, absolutely guaranteed. It is truly the people of Alaska who make our State so special, people with big hearts who band together to solve challenges. Like all places, we have challenges.

This week I would like to recognize Michael Carson for his work to help people in Alaska who are struggling with addiction. We know this is a problem that is impacting every single State in our great Nation. Michael lives in Palmer, AK, a picturesque town about 45 miles from Anchorage in Alaska's vast Matanuska-Susitna Valley—what we just call the Valley or the Mat-Su. It is about the size of West Virginia, so don't get me going on the size of Alaska. It will embarrass most of my—actually all of my colleagues here, unfortunately for them. Palmer is flanked by the rolling Talkeetna Mountains to the north and the saw-toothed Chugach Mountains to the south. It is a close-knit community where most people know each other.

Many people in Palmer and the Mat-Su across the State know Michael Carson's name. Like many Alaskans, Michael's story is one full of adventure. Originally from California, he received his undergraduate in early childhood development from the University of Texas. After hitchhiking through Africa and spending a summer in Mexico, he took a job teaching in Nome, AK, in 1974. A few years later, he moved to the Mat-Su to teach and taught our students for many years.