

congressional Republicans' harmful agenda on Medicaid, which I view as nothing less than a war on Medicaid.

Medicaid is a lifeline for millions of Americans and a smart healthcare and economic strategy for our country. Last year, I spent hours on the Senate floor presenting data and information to my colleagues showing why cutting and capping Medicaid is a very bad idea. I met with Medicaid patients, safety net hospitals, community health centers, and local elected officials in every corner of my State. They had a crystal-clear message for me: Cutting and capping Medicaid will be bad for patients, bad for the healthcare delivery system, bad for local economies, and bad for our State. They expressed a consensus view that capping Medicaid is not healthcare reform, nor is it innovation; it is simply a budget mechanism to throw people off of healthcare.

Mr. Azar has stated that he favors a block grant or per-capita cap financing approach for Medicaid. He speaks highly of the current Centers for Medicare and Medicaid Services, CMS, Administrator and their troubling regulatory agenda for Medicaid. Mr. Azar has been a cheerleader for the partisan legislation we debated last year that would permanently eviscerate Medicaid. These bills, depending on each iteration, would take Medicaid coverage from 14 million Americans, sunset the successful Medicaid expansion, and eliminate up to one-third of Federal Medicaid investment over the next two decades, according to the Congressional Budget Office. I have every reason to believe that Mr. Azar would continue and accelerate the Trump administration's war on Medicaid.

Second, I have no evidence to suggest that Mr. Azar will stop the Trump administration's track record of throwing needless chaos into the individual health insurance markets.

There is bipartisan agreement that we need to make health insurance more affordable, particularly in the individual market, where about 7 percent of Americans buy coverage; yet the Trump administration has rejected bipartisan consensus and moved us backwards. This administration has proposed to unleash "junk insurance" under the guise of association health plans, cancelled cost-sharing reduction payments, created roadblocks to insurance enrollment, and pursued backdoor schemes to rescind protections for people with preexisting conditions. I have every indication that Mr. Azar will continue this trajectory of higher costs, less coverage, and more uncertainty.

I believe we can and must tackle rising healthcare costs by innovating in the delivery of healthcare, instead of simply capping programs and kicking people off coverage. To that end, I hope that Mr. Azar will advance true delivery system change in the Medicare Program, as he says he wants to, and engage with Senators of both parties to work on good ideas to bring more value

and efficiency to our healthcare system.

For these reasons, I will oppose Mr. Azar's confirmation to be Secretary of Health and Human Services.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### JUDICIARY COMMITTEE OVERSIGHT AND INVESTIGATIVE WORK

Mr. GRASSLEY. Madam President, I come to the floor today to talk about the Judiciary Committee, which I chair, about our important oversight work, the investigative work, and to kind of concentrate on the past year.

There are a lot of issues that need more sunlight and more scrutiny. One of my key concerns is the loss of faith in the ability of the Justice Department and the FBI to do their jobs free of partisan political bias.

The American people are rightfully skeptical because of how the Department and the FBI have handled the following subjects: on one hand, Hillary Clinton, and on the second hand, Donald Trump and his associates. Hiding from tough questions about these controversial cases is no way to reassure the public. If the Department is afraid of independent oversight, that just reinforces people's suspicion and skepticism. The only real way to reassure people is to let the sunshine in and let the chips fall where they may. In each of these cases, the government should obviously find out what happened and hold people accountable if there was any wrongdoing, but it also has to play by the rules and be held accountable for its actions as well. We need to shine the light of day on all of it.

As part of our investigation, we have requested documents and other information from the Department of Justice and the FBI. Much of that information is classified. The Department has provided very limited access to those classified materials. It has limited the Judiciary Committee's review to the chair, this Senator; the ranking member of the full committee, and that would be Senator FEINSTEIN; and the Subcommittee on Crime and Terrorism, and that would be Senator GRAHAM and Senator WHITEHOUSE. The government has also tried to severely limit the number of appropriately cleared staff who can review documents and even take notes.

We have reviewed some information related to whether the FBI used a so-called Trump dossier and the extent of its relationship with its author, Christopher Steele. As we know now, Mr. Steele was hired by Fusion GPS to research Mr. Trump's alleged ties to Russia. His work was funded by the Democratic National Committee and the Clinton campaign. Now, remember, it

took a subpoena and a court battle with the House Intelligence Committee to force that fact out into the open. Lawyers for the Democratic National Committee and the Clinton campaign officials denied it to the press for months. In other words, they lied. The founder of Fusion GPS denied that his firm was "democratically linked." That, too, was untrue.

When the news finally broke, New York Times reporters actually complained that people who knew better had flat-out lied to them about who funded Mr. Steele's dossier. But back before the 2016 election, it is unclear who knew that Steele was gathering dirt on Trump for the Democratic National Committee and for the Clinton campaign. Many of his sources for claims about the Trump campaign are Russian Government officials. So Steele, who was working for Fusion GPS, who in turn was working for the Democratic National Committee and the Clinton campaign, was also working with the Russians. So who was actually colluding with Russians? It is becoming more clear.

Mr. Steele shared his at least partially Russian-based allegations far and wide. He shared them with the FBI. He shared them with the media. According to public reports, he shared them with high-ranking officials in the Justice Department and the State Department.

In the course of our review, Senator GRAHAM of South Carolina and I came across some information that just does not add up. We saw Mr. Steele swearing one thing in a public libel suit against him in London, England, and then we saw contradictory things in documents that I am not going to talk about in an open setting here. I know everybody understands that. From everything we have learned so far, Senator GRAHAM and I believe these discrepancies are significant. So we sent a referral of Christopher Steele to the Justice Department and the FBI for potential violations of 18 U.S.C. 1001.

I guess people are going to say whatever they want to say about this whole matter no matter what the facts are, but it doesn't contribute anything meaningful to the public debate to ignore those facts or to speculate wrongly about Senator GRAHAM's motivations, or mine.

First, despite all the hubbub, this is not all that unusual. Anyone can ask for a criminal investigation. I have done it in the past when I have come across potential crimes in the course of my oversight work, and I have done so publicly. This situation is no different.

Second, as the special counsel has reminded us all recently, lying to Federal officials is a crime. It doesn't matter who is doing the lying, politics should have nothing to do with it.

I have said repeatedly that I support Mr. Mueller's work and I respect his role. I still do. Nothing has changed. I think it ought to be said again in case anyone missed it. The special counsel

should be free to complete his work and to follow the facts wherever they lead, but that doesn't mean that I can ignore what looks like false statements. If an individual sees what might be evidence of a crime, he or she should report that to law enforcement so it can be fully investigated. That is exactly what Senator GRAHAM and I did. That does not mean that we have made up our minds about what happened. It is possible that Mr. Steele told the truth and the other, contradictory statements that we saw were wrong. But, just as any court would do, we start by assuming that government documents are true until we see evidence to the contrary. If those documents are not true and there are serious discrepancies that are no fault of Mr. Steele's, then we have another problem—an arguably more serious problem.

Of course, even aside from these inconsistencies, the public reports about the way the FBI may have used the dossier should give everyone in this Chamber pause. Director Comey testified in 2017 that the dossier was “salacious and unverified.” If it was unverified in 2017, then it had to be unverified in 2016 as well. So it was a collection of unverified opposition research funded by a political opponent in an election year. Would it be proper for the Obama administration—or, for that matter, any administration—to use something like that to authorize further investigation that intrudes on the privacy of people associated with its political opponents? That should bother civil libertarians of any political stripe.

Now, I wish I could speak more openly about the basis of our referral and other concerns, but right now that information is largely classified. That information is controlled by the Justice Department. As I said, the Department has permitted only the chair and ranking member of the full Judiciary Committee, the chair and ranking member of the Subcommittee on Crime and Terrorism of the Judiciary Committee, and a limited number of their cleared staff to see the underlying documents. I have been pushing for the Department to provide the same access to other Judiciary Committee members and their appropriately cleared staffs, but the Department refuses to provide that access or even to brief the other members on the underlying information.

Fortunately, the Department has agreed that it has no business objecting to our members reviewing our own work, so I have encouraged our committee members and their appropriately cleared staff to do just that—review that work. Look at the memo that Senator GRAHAM and I sent to the Deputy Attorney General and the FBI Director. Members can then make up their own minds about what Senator GRAHAM and I have concluded.

I have also encouraged them to review the committee's transcripts and

other unclassified materials that have been available to them and their staffs for a long period of time now—many months.

Finally, I have encouraged them to let me know if they believe that any of that information should be made public. I believe in transparency. We may agree that certain information should be released at the appropriate time, with care to preserve classified information and the integrity of any investigation. I have already been pushing the Department to review the classified referral memorandum to confirm the memo's classification markings so that we can release the unclassified portions as soon as possible. But now the Department has deferred to the FBI, and the FBI is falsely claiming that three of our unclassified paragraphs—each contains the same, single classified fact. Now, that really surprised me because these particular paragraphs are based on nongovernment sources and do not claim to repeat or confirm any information from any government document.

Even if these portions of our referral did reference the allegedly classified fact at issue, it is hard to understand why that fact should be classified.

First, the Deputy Attorney General has discussed the fact at issue with me more than once in an unsecured space and on an unsecured phone line. That ought to tell us something.

Second, the FBI is not acting as if this information would harm national security if released. The FBI never notified the entities copied on the memo's transmittal—for example, including the inspector general and the Intelligence Committees—to ensure that fact was protected as classified. If the FBI really believed this fact was classified, then the FBI and the Department should take better care to act consistent with that belief.

Unfortunately, I suspect something else is really going on. It sure looks like a bureaucratic game of hide the ball rather than a genuine concern about national security.

I am pressing this issue with Director Wray, and I hope we can provide this information to the public as soon as possible. In fact, just this morning, I took a long period of time to handwrite a letter to Christopher Wray, the Director of the FBI, to let him know these very concerns. It has been scanned to him, and I hope people make sure he gets it because I am not sure he always gets my letters, handwritten or typed.

I also believe that the Department should carefully review the entire memorandum and begin an orderly process to declassify as much of that information as possible.

The Intelligence Committee in the House of Representatives recently voted to allow all House Members to review a short memo summarizing what it has learned. Senators are not allowed to see what the House Members know. However, House Members

who have seen it have been calling for a vote to release that memo.

Here in the Senate, the Senate Judiciary Committee has access to the same information that the House Intelligence Committee saw before drafting its summary memo. Our committee does not have the same authority to release classified information that the House committee has. We have to rely on the agency to review and potentially declassify our memo.

Based on what I know, I agree that as much of this information should be made public as soon as possible through the appropriate process—and I don't just mean the summary memos. The government should release the underlying documents referenced in those memos after deleting any national security information that needs to be protected.

But most of this story can be told, and the part that can be told should be told. The American people deserve the truth. Stale, recycled media spin from journalists and pundits who do not have all the facts is not enough. The country is filled with frenzy and speculation, but the people are very hungry for facts. However, I cannot release this information on my own, and neither should anyone else. Classified information is controlled by the executive branch. We should work together to achieve the greater transparency while still protecting legitimately sensitive national security information.

Madam President, I yield the floor.

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

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wish to talk about Alex Azar's nomination as Secretary of Health and Human Services. I wish to explain how I am going to vote no by virtue of what I asked him in his hearing in front of the Finance Committee.

Needless to say, programs such as Medicaid, Medicare, the Federal marketplace for health insurance under the Affordable Care Act, and the Children's Health Insurance Program are all healthcare programs that are absolutely essential not only to my State of Florida but to all States. Since we have a higher percentage of the population who are senior citizens, obviously, Medicare is an extremely important one to that segment of our population, who depend on Medicare for their healthcare.

When you look at the Affordable Care Act, which brought healthcare through health insurance to millions and millions of Americans who had not had it before, my State of Florida signed up more people than any other State. Some 1.7 million Floridians signed up

for coverage through healthcare.gov. That was despite the Trump Administration's efforts this past year to undermine the health law by doing such things as not allowing people to get out and give the counseling. So it was on a much lower scale than what had been done before.

My worry is, looking out for the people of Florida, that Mr. Azar will continue to support the administration's efforts to destroy the law and all of the good things it has done, where it has now provided health insurance for so many people—so many people that never had health insurance before. The 1.7 million Floridians who signed up again for health insurance through healthcare.gov is a good example.

One of the statements that Mr. Azar has made—and people in the Trump Administration have been trying to undermine the ACA—is that, in effect, there is no way to fix the law.

Let's turn to Medicaid and CHIP, or the Children's Health Insurance Program. Mr. Azar, I am told, supports changing the structure of the Medicaid Program into a block grant. Ever since the Medicaid law was passed, it sets up, according to whether or not a State has a poor citizenry, a formula that shares money from the Federal Government, and the State matches a certain percentage. In Florida, that is anywhere from 55 percent to 60 percent Federal to approximately 45 percent to 40 percent from the State of Florida. For other States, like Mississippi—with a poor, rural population that needs healthcare but can't afford healthcare—their Medicaid formula is much more paid for by the Federal Government with a lower match from the State.

If you put Medicaid into a block grant, that means the State is only going to get so much money, regardless of whether the population swells. If the needs are greater, that money is it. It is not flexible with the eligibility of people because of their income status. I simply don't think that is right. It is these kinds of issues that concern me greatly about Mr. Azar.

Look at Medicare. As I mentioned, we have a higher percentage of the population that is made up of senior citizens. In Florida, that translates to 4 million senior citizens who depend on Medicare. They are over 65 years of age, and they are eligible for Medicare. That is the way they access their healthcare.

When I asked Mr. Azar about his perspective on changes to the Medicare Program, his answer was deficient. This is what I asked: Do you support raising the Medicare eligibility age?

In other words, a senior would not be eligible for Medicare—healthcare—at age 65; the age requirement would be increased. He did not give me an answer.

I asked: Do you support turning Medicare into a voucher program?

According to CBO estimates, privatizing Medicare would increase

premiums by 30 percent, so I wanted to find out whether, as Secretary of HHS, he would want to turn Medicare into a voucher program. He dodged that question.

I tried a third time with another question to give him a chance to give a straight answer on the record in the Finance Committee. I asked him whether he supports allowing Medicare providers to enter into private contracts with patients instead of the set benefit that a senior knows he is eligible for under the law to get those Medicare benefits.

The practice of entering into private contracts between doctors and other Medicare providers is prohibited under Medicare because it would place seniors on the hook for the difference between what an insurer would pay—an insurance company—and what the doctor or the other provider would charge. That would result in a higher out-of-pocket cost for the senior citizen.

Remember, the question was, do you support allowing Medicare providers to enter into private contracts with patients?

This is what he said: "The mission of HHS is to enhance and protect the health and the well-being of all Americans, through programs that touch every single American in some way, every single day. As Secretary, my job would be to lead HHS in its work toward its mission."

That is not what I asked. I asked specifically whether he wanted to privatize the Medicare benefits and the mechanism by which those benefits would be delivered. That does not give me assurance on behalf of our senior citizens in Florida. To the contrary, if you were to talk to a group of our senior citizens and say that you want changes to Medicare, I can tell you what that would do. That would put a ripple of chills down the spines of senior citizens, for them to think their Medicare would be taken away from them.

Thus, Mr. Azar is a gentleman who is delightful and obviously skilled in the pharmaceutical drug industry. Yet, when we got right down to how he was going to run the HHS as Secretary, I was not assured that our seniors were going to be protected in their healthcare or that poor people were going to be protected in their Medicaid or that the 20-some million people—including the almost 2 million in Florida—who now have healthcare on the private insurance exchange, offered through the Affordable Care Act, were not going to be undermined.

There is just no way that I think this is the appropriate person to be the Secretary of Health and Human Services; therefore, I will vote no.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I come to the floor to express my opposition to the nomination of Alex Azar to be the next Secretary of the Department of Health and Human Services.

Let me admit to the Chamber that this, for me, was certainly not as easy a call as was the first vote on the nomination for this position when Congressman Price was up for the job. I want to talk about the reasons for my vote in opposition, but I first want to begin by giving the nominee some credit for, I think, a very important series of exchanges that he had before the committee.

One of the biggest potential disasters that would have been visited upon this country by 4 years of Secretary Price would have been the reversal of 8 years of transformation in the way that we pay for healthcare through Medicare, primarily.

In 2011, Medicare made almost no payments to providers through what we call alternative payment models. I know this sounds a little weedy, but this is really the way that we drive down healthcare costs in this country, and it is something that Republicans and Democrats should be focused on together.

Alternative payment models generally refer to a switch in the way that we pay for healthcare—a move away from reimbursing providers based on how much medicine they practice to a reimbursement system that rewards providers for the outcomes that they achieve—in fact, rewarding hospitals and doctors and clinicians when they keep their patients out of the doctor's office or out of the emergency room or out of the hospital. This is the exact opposite of what the existing system does, which rewards hospital systems and doctors the more that their patients show up in the emergency rooms and the doctors' offices and in the hospitals.

In the House of Representatives, Tom Price was the leader of the opposition to what we call value-based payment and was the chief defender of fee-for-service payment. While the Obama administration had made remarkable progress—it had set a goal of moving 30 percent of all Medicare payments over to outcome-based payments, which they achieved by the end of 2016—Secretary Price was in the process of moving all of that backward.

The reason I say that my vote here against Mr. Azar was not a slam dunk—it is not a slam dunk—is that I give him credit for his testimony on this question of alternative payments. In answer to a question posed by Senator WHITEHOUSE, he said that one of the greatest legacies of Secretary Burwell's tenure was in the launching of so many of the alternative payment models that we have out there.

I would like to keep driving that forward for all of us who care so deeply about reducing costs in our healthcare system, about integration and coordination, and in our just thinking about ways to deliver better for our patients and beneficiaries. There are so many opportunities for bipartisanship here because we share so many of the same goals on this.

I applaud Mr. Azar for his seriousness about working with Democrats and Republicans to try to shift our payment system over to something that makes more sense, for his openness about how important the Obama-era reforms were, and for his decision, if he gets this job, to reverse some of the sabotaging of those alternative payment models that Secretary Price began.

Unfortunately, my enthusiasm for Mr. Azar's statements on alternative payment models through Medicare are outweighed by his inability to convince the HELP Committee or the Finance Committee that he is going to be a responsible steward of the Affordable Care Act. This is from where much of my worry comes, in part because Connecticut is a State that has efficiently, ably, and responsibly implemented the Affordable Care Act. We have hundreds of thousands of people in our State who now have insurance because of the expansion of Medicaid and because of the successful offering of plans to the uninsured through Connecticut's exchange.

It was perplexing to those of us on the HELP Committee that Mr. Azar seemed to defend the administration's decisions to sabotage and undermine the Affordable Care Act. He even went so far as to try to spin those changes as to be a strengthening of the law, which simply does not pass the straight face test. I get it. During a confirmation hearing, it is very hard for a nominee who may serve in the Cabinet to be critical of the Commander in Chief, the person who has chosen him for the job. Yet it is obvious for everybody to see what is happening by the canceling of payments to insurance companies that helped compensate them for the most expensive patients, by eliminating all of the funding for the marketing and advertising of the exchanges, by shortening the enrollment period in half, by constantly going on social media and telling all prospective enrollees of ObamaCare that the ACA is dead even though it is not dead—even though, as we found out, just as many people signed up this year as signed up last year despite the campaign to undermine it.

We all know that this is an obvious campaign of sabotage—that President Trump is trying to kill the Affordable Care Act administratively because he can't convince the American public to press Congress to do away with it. The Affordable Care Act has the support of the American public today, and that is the reason Congress could not repeal it.

It was very troubling to me that Mr. Azar didn't acknowledge this campaign of sabotage, which leads me to believe he is going to fulfill instructions from the administration, from the White House, to continue it. He went so far during the questioning with me to suggest that shortening the enrollment period actually would help consumers with something that the insurance companies were asking for. That is not true. The insurance companies were not asking for that in Connecticut.

That does not help consumers, certainly, when you are also withdrawing all of the money for marketing and advertising that would have been used to tell people that the enrollment period was being shortened.

At the same time that I am going to vote no on this nomination because I am deeply worried that as Secretary Mr. Azar is going to continue this campaign of ACA sabotage, I do look forward to working with him in a bipartisan way on payment reform—if he will allow it with those of us who will vote against his nomination.

As much time as we spend in the Senate talking about coverage, frankly, the more important, long-term reform is in the changing of how we pay for healthcare because if we fundamentally change the way we pay for healthcare and start rewarding good outcomes rather than just rewarding more medicine being practiced, then we will save enough money to insure everybody in this country through a means that both the Republicans and Democrats can support.

I am going to vote no. I encourage my colleagues who care about the effective administration of the Affordable Care Act to vote no. Remember, it is a remarkable success story that 20 million people have insurance. People know the strength of the Affordable Care Act. That is why they pressed Congress not to repeal it. Despite the undermining campaign, just as many people signed up this year as last year, which is, frankly, extraordinary. I would hope that those people here who believe in the Affordable Care Act, as the American people do, will oppose this nomination. At the same time, I hope that there are significant ways, if he is confirmed, that we can work together with Secretary Azar.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### ROHINGYA REFUGEE CRISIS

Mr. MERKLEY. Mr. President, on August 25, a minority group of Rohingya militants proceeded to attack a number of Burmese police outposts in northern Rakhine State, and they inflicted injuries and killed about 12 members of the country's security forces in the process. These attacks certainly must be condemned, but they have triggered a response by the Burmese Government and military that is beyond horrific—attacks by the Burmese Government and military that have inflicted a massive humanitarian crisis in that nation.

The Burmese military, aided by mobs of local vigilantes, carried out the violence against the Rohingya people in a systematic way. These are people who have been in Burma for generations, but they have been stripped of their citizenship under Burmese law. In the attacks that followed, Doctors Without Borders estimates that well over 6,000 men, women, and children were murdered in just the first month of this ongoing assault, and that included hun-

dreds of children—an estimated 700 children ages 5 and under.

The survivors have shared countless stories of women being raped, men murdered, children murdered in the most inhumane ways imaginable. Human Rights Watch has reported that the Burmese military and the associated vigilantes have burned 354 villages to the ground. The response of the Rohingya has been to flee the country, desperately fleeing as fast as they could the systematic violence inflicted upon them—systematic rape, systematic shooting, the murder of children. The result is that 650,000 people have fled to the adjoining country of Bangladesh, where they are now establishing refugee camps.

These camps are a big improvement from being attacked, shot, murdered, and raped inside Burma, but the camps themselves are just a jumble of split bamboo frames with plastic draped over the tops of them. You can see here in this photo that the ground has been cleared away and people have shoveled out relatively flat sections of the hillside, split bamboo into little pieces, tied them together with threads, and draped plastic over the top of them.

I wonder what will happen when the monsoons come or a severe windstorm comes. I don't think these shelters are going to hold up.

The overcrowded conditions and poor sanitation in these camps put them directly at risk for diseases like diphtheria and cholera, and these camps—full of displaced, disenfranchised, angry young men—are also recruiting grounds for violent extremist groups like ISIS. This is, in the words of the United Nations, the fastest growing refugee emergency in the world. It is unacceptable, and America needs to pay attention and respond.

The flow of refugees has continued, even until now. The numbers have dropped. There aren't that many Rohingya left inside of Burma. The Governments of Burma and Bangladesh are discussing a repatriation strategy on how these individuals may be able to return to Burma, and they have a framework for a plan. Burma says that they will welcome them and let them go home. They have even said that they can return to where their villages were burned and have assistance in rebuilding their homes and community structures.

In the first step, they say that they will house them in reception camps, and they also say that they may put them into model villages. These words "reception camps" and "model villages" are words for encampments that are based on what is already in much of Rakhine, central Rakhine State, which are long-term camps that are essentially prison camps—prison camps for the Rohingya.

If this is not going to unfold in this manner, the world has to be engaged. Right now, of course, the Rohingya who have fled this horrific violence are