

Judge Conrad's letter stated that the Department of Justice typically doesn't include a subpoena with a non-disclosure order request and only provides a signifier, like a phone number, to the court. Thus, the information before the court would reveal that a phone number belonged to a Member of Congress.

Judge Conrad's response appears to indicate that Special Counsel Smith's office failed to disclose to the court that any subpoenas sought phone records for Members of Congress. Jack Smith took this egregious action even though Smith and his team knew case law was clear that legislators could challenge the grand jury subpoena on grounds it violated the speech or debate clause of the Constitution. The letter from Judge Conrad raises serious questions about Special Counsel Smith's candor—or lack thereof—before the court.

But the volume of subpoenas issued by the special counsel's office should have raised alarms with Judge Boasberg and any other judges involved in issuing those subpoenas—alarms that maybe congressional records could have been swept up by the government's conduct.

So there are some questions: Did Judge Boasberg and others even ask the question? Was even a small amount of due diligence done? Boasberg and others won't say. Not asking these simple questions appears to be a clear dereliction of duty.

The actions by the Biden Justice Department and the Federal court raise more questions that Congress and the American people deserve answers to.

These things are very important because when the power of the Federal Government, particularly through the Department of Justice prosecutors and the FBI to be politically weaponized to put anybody in prison—and if they can attempt to do it to a former President then and now President Trump for 4 years, it could be done to anybody. And we need to know that this should never happen again in the United States of America.

So I am giving you this update. Accordingly, my oversight will continue.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—S. 3391

Mr. HUSTED. Mr. President, healthcare is the No. 1 driver of inflation in the 21st century. When we talk about affordability, healthcare is the biggest driver of our costs rising in this century. And the fact of the matter is that the Affordable Care Act is really the "Unaffordable Care Act," and it has made it less affordable. That fact is indisputable.

I have been in the Senate for less than a year; and I didn't create this problem, but I am here working to be part of the solution. In just a moment, I will ask for unanimous consent to pass my bill, S. 3391, the Accountability for Better Care Act.

My proposal represents a good-faith offer on a short-term basis to extend enhanced premium credits for 2 years. I will repeat that: This would extend enhanced premium credits for 2 years but with reforms that will reduce fraud, lower premiums, and protect long-standing conscience rights for millions of Americans. That is what it does.

Before I explain what this common-sense proposal does in more detail, I think that it is equally important to express why it is important, why I am on the floor today—because I will tell you, over the past few weeks, I have been visiting and getting calls and talking with Ohioans who are very concerned about their rising premium payments.

I was in a meeting recently with a pastor. He and his wife are attempting to renew their policy under the ACA. He makes a little over \$80,000 a year, and he is going to see his premiums rise by over \$10,000 next year.

I had another conversation with a small business owner who indicated, with premiums and deductibles, that it will take more than 30 percent of his salary to afford healthcare. These are just a few examples of the millions of Ohioans and Americans that are worried. That is why we have got to take action. It is long past time to do so.

One action we can take today, as part of this legislation, is to address the fraudulent enrollees under the program, though. It has existed for 4 years, and we know that it has cost taxpayers \$27 billion each year. That is a lot of money. There is a lot of fraud going on in the country right now, and we certainly can't stand by and watch it happen by renewing premium subsidies and not do anything to eliminate the fraud. We know it is happening, so it is important, if we are going to extend the tax credits, that we fix the problem.

We could do this by requiring everyone receiving a premium tax credit to pay something toward their health insurance that will help realign the incentives and reduce fraud. I offer a modest solution to this. It requires simply \$5—\$5—on a monthly basis to enroll so that we can combat fraud, so we can know there is an actual person on the other side of this policy that the insurance companies sign people up for so that we can eliminate the rampant fraud. And to put this in perspective, a \$5 request is simply 16 cents a day to get affordable healthcare provided for, largely, by the taxpayers of this country.

That is a pretty great deal for the people who would be enrolled. Requiring this minimum premium will also make certain that Americans cannot be enrolled without their knowledge because we know that there have been convictions around this country for unscrupulous brokers that sign people up under the ACA enhanced premiums. There have been prosecutions and convictions. We know it is fraud. We can fix it simply by asking people to pay a

little bit in return for their largely free healthcare.

We also know that insurers raise premiums on the ACA silver plans in order to address the cost-sharing reductions for low-income individuals. We know this process as silver loading.

In my bill, we will fund the cost-sharing reductions so that we can end the practice of silver loading—the games that insurance companies have been playing. This would lower premiums in the long run by 10 to 20 percent for lower income individuals and save the taxpayers between \$5 billion and \$10 billion. It is an important reform to the tax credits.

Finally, my bill maintains household premium contributions for most people making up to 400 percent of the Federal poverty level, and it also places an income cap on the ACA tax credit for households up to 600 percent of the Federal poverty line. That is \$192,000 for a family of four—because we know, under the old system, people making \$20 an hour would subsidize the premiums for people making a million dollars a year. No one thinks that is right; I can't imagine anyone does. So we fixed that.

These premium contributions are gradually increased as individuals earn more wages up to that income cap. This will reduce the sharp cliff that many of these families are facing because of the design of the credits that currently exist and are about to expire.

I hear constantly from Ohioans that they are worried about their out-of-pocket costs due to failures with ObamaCare. We know it doesn't work; colleagues on the floor have detailed why.

My bill creates a soft landing to protect Ohioans and Americans from steep rises in their premiums created by the failure—the structural failure of the ObamaCare system.

I have long said that I believe that there is a way forward with this proposal; that we can protect families from punishing premium costs and address the underlying fraud in the ACA and to do so in a balanced and thoughtful way.

I came to the floor just a couple of weeks ago and outlined this framework in a proposal I called "Fraud, Freeze, and Fix." Well, today, this is the manifestation of that as represented by the Accountability for Better Care Act.

I appeal to my colleagues on the other side of the aisle that have stated that their goal is to extend the Biden-era COVID bonuses. If that is true, they should support this bill because it does that. That is what it does, but it also gives Congress a runway to fix and address the drivers of high costs of healthcare.

I will conclude this, finally. To my Democrat colleagues, there was a 43-day government shutdown that was ostensibly—it was ostensibly supposed to be about extending the ACA subsidies. Well, this is your opportunity to take yes for an answer because we are extending the ACA subsidies. You get

your wish, and we get the accountability we need.

And for these reasons, I ask unanimous consent that, as if in legislative session and notwithstanding rule XXII, the Finance Committee be discharged from further consideration of S. 3391 and the Senate proceed to its immediate consideration; I ask further that the bill be considered read a third time and passed and that the motion to reconsider be made laid and upon the table.

The PRESIDING OFFICER. Is there an objection?

Ms. BALDWIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am going to make just a few brief points in response to my colleague Senator HUSTED's proposal.

This bill is part and parcel of what we have seen for years from the Republican Party—an attempt to undermine the Affordable Care Act in its entirety.

If this bill became law, it would undoubtedly still kick millions of people off their ACA coverage.

When Americans are calling out for help to lower costs, this bill would actually increase premiums by an average of over \$1,000 for over 10 million people annually. And if that is not enough, Senator HUSTED's bill sneaks in another attack on women's right to control their own bodies, and it bans Marketplace insurance coverage of abortion.

I will end with this: I have worked on this policy for a long, long time. I care deeply about affordable healthcare and have been willing to work with anyone to deliver results for the people I represent. But the place for this debate—perhaps this offering—should have been this past June during the debate on President Trump's signature legislation, a major tax bill that disproportionately sends its benefits to the wealthiest among us. That is where we should have had an extensive debate on extending a tax break for working families and individuals to be able to afford their healthcare premiums, and if not during that debate, we should have been working across the aisle on this in the lead-up to the expiration of the last CR on September 30, the end of the last fiscal year.

But it is 5 days before the expiration of open enrollment—5 days. People have been shopping since November 1. They have seen what their costs were this past year, and they have seen what their costs are going to be next year.

I, along with my Democratic colleagues, have been pleading with Republicans to come to the table and negotiate on this and, by and large, they have refused. And then yesterday, just 1 day before we vote on a clean 3-year extension, we get this bill out of the blue. This bill is a deeply unserious proposal to a very serious problem. And, therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. HUSTED. Mr. President, I appreciate my colleague's thoughts.

I haven't been here for years. I didn't create this. I haven't been here for years trying to undermine ObamaCare. I have been here for less than a year.

And this isn't unserious; I am very serious. This represents a compromise. My Democrat colleagues want an extension of the ACA tax credits; I am offering that. All I am asking for in return is that we eliminate the fraud—the kind of fraud that we had in Minneapolis going on right now where we don't have proper oversight of our generous taxpayer-supported programs.

I will just say specifically, though, that the proposal I am offering is more generous than the original ACA Program on tax credits, and it has nothing to do with women's rights because it doesn't ban any of it. It just says that the taxpayers don't pay for it, which has been, since the 1970s, the way this institution has operated as it relates to the Hyde amendment.

The time to work on it was last June. We offered something on CSRs last June, but it was objected to by the Democrats under the Byrd rule. It was offered. Cost-share reductions—we offered it last June, but my Democrat colleagues objected to it.

Yes, I agree, there are only 5 days, maybe longer if we want to spend a little time. And time is of the essence, so that is why we shouldn't waste any more of it. We should pass this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF THOMAS BELL

Mr. WYDEN. Mr. President, families across the country are struggling with skyrocketing costs—health costs, grocery costs, energy costs—but instead of working to address these challenges, Republicans are bringing yet another disastrous Trump nominee forward to support his agenda.

Thomas March Bell has been nominated to be the independent watchdog at America's health Agency. There could not be a more dangerous choice for this position.

I have long believed in the bipartisan coalition that works here to defend the integrity and the independence of the inspectors general.

Senator GRASSLEY once said:

Inspectors General are intended to be equal opportunity investigators and are designed to combat waste, fraud, abuse and misconduct . . . without regard to political affiliation. They are the ultimate [drainers of the swamp].

One of Donald Trump's very first acts after taking office was to fire these independent investigators. In less than a year, he has gutted the integrity and independence of these Offices.

A few years ago, this body overwhelmingly passed a law to secure the independence of the inspectors general in government, but 4 days into his second term, Donald Trump threw that

law into the dumpster. He unlawfully fired nearly two dozen inspectors general across the government. Now he is replacing them with a wave of partisan operatives who stand ready to sabotage the independent oversight of inspectors general. Meanwhile, it has been crickets from Republicans. They are just happy to let him do it.

No nominee has exemplified the assault on independent oversight quite like March Bell, the nominee to serve as Health and Human Services inspector general.

I would be remiss if I didn't start off by noting that he is nominated to fill a position that is not legally vacant. He is nominated to fill the role of an inspector general that was illegally fired by Donald Trump.

My Democratic colleagues and I on the Finance Committee urged Chairman CRAPO to pause this nomination. It was met with radio silence. Now Republicans are pushing him through, unbothered by Donald Trump's complete disregard for the law that almost every one of them voted for just a few years ago. How times change.

Let me talk about Mr. Bell's supposed qualifications. Once in a while, I get called a privacy hawk, and I never consider that an insult. I have worked for decades, often with my Republican colleagues, to safeguard the privacy of Oregonians and all Americans. I have come to believe there are few places where privacy is more important than in the healthcare system. That is why this nomination is so dangerous for HHS.

Mr. Bell has made a career out of plastering people's private information in so many places, everywhere he can make it stick. When he was chief counsel for a select House panel, he made public a slew of information on reproductive healthcare providers and patients that he targeted with a sham investigation, all while they were being subjected to threats and physical harm.

Staff and even Members of Congress raised multiple concerns about his behavior during this investigation. He couldn't care a lick.

Those patients and providers saw a ninefold increase in violent threats during his investigation.

When my staff asked Mr. Bell what steps he took to protect the targets of this critical investigation, he replied: "None." That is unacceptable.

I also note that the entire investigation was based on doctored, manipulated, and sometimes downright fabricated evidence, much of which he got from a personal connection.

This wasn't oversight; this was raw partisanship intended to target and intimidate reproductive health providers and the women seeking their care.

This is shocking behavior from the person nominated to oversee the privacy and protection of the private health information of Americans, but that is Mr. Bell's bread and butter. In questions for the record following his