

policy matters. In other words, in order for the two branches to effectively work together on trade, the Office of the USTR needs to be fully functional and fully staffed.

Unfortunately, up to now, some on the other side have been making unreasonable and wholly unrelated demands in relation to the confirmation of President Trump's nominee to be USTR even though he has support from Members of both parties. This is unfortunate. However, I am working with my colleagues to remove any remaining roadblocks, and I am hoping we can make progress on this very soon.

As one can see, we have quite a bit of work to do here in Congress, and I am only talking about a handful of the major issues before us. I am very concerned. There are, of course, many other priorities we need to address and matters we need to resolve. I am hoping that in the coming weeks and months, as we put more distance between us and the 2016 election, more of our colleagues on both sides will be amenable to working together to address these kinds of issues even if it means allowing President Trump to claim some successes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### IMPROVING ACCESS TO AFFORDABLE PRESCRIPTION DRUGS ACT

Mr. FRANKEN. Mr. President, I rise to talk about a path forward on healthcare.

Last week, Republicans in the House failed to pass the American Health Care Act—a deeply flawed policy that amounted to little more than a massive tax break for the wealthy at the expense of working people. The failure of that bill means that, as Speaker RYAN put it, the ACA is the law of the land for the foreseeable future. So today I would like to invite my colleagues on the other side of the aisle to leave repeal efforts behind and instead roll up their sleeves and work with me and other Democrats to improve the system we already have, which is the law of the land for the foreseeable future. It is time to pass commonsense reforms that build on the successes of the ACA and lower healthcare costs.

In a recent HELP Committee hearing, Chairman ALEXANDER said that he wanted to work on a bipartisan basis to stabilize the individual market. Great. Let's do that. We should reinstate and strengthen programs that help insurance companies stay in the marketplace and continue to serve even the sickest patients. We should pass a public option to make sure there is competition in every market. We should provide more tax credits to more people.

While we work on those things, there is something else we should do, something that, together with a group of my colleagues, I introduced a bill about yesterday. It is time to bring down

healthcare costs for everyone by reducing the price of prescription drugs. It is time to pass the Improving Access to Affordable Prescription Drugs Act.

I think all of us would agree that no one should have to choose between affording a lifesaving drug and putting food on the table for one's family, but right now that is happening. Companies are setting prices that are beyond the reach of consumers and that are driving up costs for insurers and taxpayers.

One in five Americans says he has not filled a prescription simply because he could not afford it. Others are rationing care due to high prices. A study published just last month found that about 10 percent of cancer patients skipped their medication and about 13 percent delayed filling their prescriptions. We have all been shocked by the stories of EpiPen's prices shooting up nearly 500 percent. The price of insulin has more than doubled in the last 5 years.

Drug companies can essentially set whatever prices they want. As a result, in recent years, drug companies have secured some of the highest profit margins of any industry.

Drug prices are too high. That is why my colleagues and I are introducing comprehensive legislation to tackle prescription drug prices. We want to make sure companies cannot exploit the sick and dying to make a profit. The bill includes 17 policy changes that will improve transparency, promote affordability, spur innovation, and enhance competition. Today, I would like to highlight just three of those provisions.

First, transparency. This legislation requires drug companies to disclose how much they spend on research, manufacturing, and marketing, as well as research grants from the Federal Government, to help all of us understand why prices for lifesaving drugs are so high. It is especially galling that so many drugs that are developed with taxpayer dollars are unaffordable for so many Americans. Getting this information would help all of us hold drug companies accountable, and that can be an important step toward bringing prices down.

Second—something that President Trump called for on the campaign trail—the bill will allow Medicare to negotiate lower prices for prescription drugs. It is just common sense that the biggest buyer of pharmaceutical products in America should be able to use its negotiating clout to bring prices down.

Third, the bill would end the practice of so-called pay-for-delay. Right now, drug companies that make the expensive brand-name drugs will pay other companies that make generic alternatives to keep their products off the market. This is called pay-for-delay. It is outrageous, and it is increasingly common. This bill will stop these agreements once and for all.

There is a lot more that this bill does. It penalizes companies that price-

gouge for lifesaving medicine, and I think we can all agree on that. It puts a cap on out-of-pocket drug costs in insurance plans. It speeds up generic competition. It funds new innovation and includes a number of other provisions.

Tackling the high cost of prescription drugs is an issue many of my colleagues care deeply about. This bill reflects many of their ideas and proposals, and I am grateful for their work with me. Moreover, it is obvious that the public is ready for action on this issue. Overwhelming majorities of Americans in both parties support government action to curb out-of-control drug prices.

I am eager to hear from colleagues on both sides of the aisle and from the administration about how we can work together to pass the reforms into law. This is an area of health policy that Democrats are eager to work on, and we hope the President will stand by his promise to stand up to drug companies and reduce costs for American families. It is morally wrong that some people are denied access to lifesaving drugs because they cannot afford them, and it is something we can fix.

I am in the Senate so that I can fight for policies that improve people's lives. That is why I am here. With this bill, I am trying to do exactly that. I hope my colleagues on both sides of the aisle will join me in helping to bring down the cost of prescription drugs.

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

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

#### AFFORDABLE CARE ACT

Mr. DURBIN. Mr. President, for 7 years, Republicans in Congress have promised to "repeal and replace ObamaCare," but not once during those 7 years did they actually put together a piece of legislation to make good on that promise.

Not once during those 7 years did Republican leaders actually convene serious hearings and meetings with patients, hospitals, insurers, and medical groups to discuss how best to reform our healthcare system, instead preferring to just rail against the law.

Not once during those 7 years did congressional Republicans actually try to sit down with Democrats and work on a bipartisan basis to improve upon the law.

But here is what they did do: They did everything possible to gum up the works, with many Republican Governors even refusing to expand Medicaid, denying millions of their constituents access to healthcare.

They went on TV, did interviews, and held campaign rallies about how all of

the challenges facing our healthcare system, challenges that we faced even before we passed the ACA, was the fault of ObamaCare and made empty promises about “repeal and replace.”

Congressional Republicans voted over 60 times to repeal the Affordable Care Act when they knew President Obama was in office and he would veto repeal—60 times.

Now, with Republicans controlling the House, the Senate, the White House, you know what they are doing? Nothing—they cancelled their vote last Friday to repeal the law.

Why? As evidenced last week, they are incapable of developing a proposal that garners the support of their own Republican Caucus. They are incapable of bringing a piece of legislation to the House Floor for a vote, despite having a large Republican majority in the House.

Now, after 17 legislative days of trying to ram through a bill that would have thrown at least 24 million people off their health insurance, reduced protections for 178 million people who have employer-based coverage, increased costs for seniors and rural communities, and given a huge tax break to drug companies and the wealthiest Americans, Republicans are giving up.

Time to move on, they say; time to tackle tax reform, they say.

Well, I, along with the majority of Americans who have benefited from this law, am relieved.

The Affordable Care Act is not perfect—no law is.

It made sure 20 million more Americans could get health insurance, including 1 million Illinoisans. As a result, our uninsured rate is at its lowest level in our Nation's history.

Young people are staying on their parents' plans till age 26, and seniors are seeing big savings on their prescription drugs.

Women can no longer be charged more than men for the same coverage, and people with preexisting conditions can no longer be discriminated against.

Annual and lifetime caps on benefits are a thing of the past, and people now have access to maternity and newborn care, as well as mental health and substance abuse treatment.

Now that Republicans have acknowledged that the Affordable Care Act is, as Speaker RYAN stated, “the law of the land . . . for the foreseeable future,” it is time to start building off of it.

Like Medicare and Social Security before it, it is time to make some bipartisan modifications that can help improve the law.

We need to increase insurer competition because, in too many of our communities, there are not enough options.

We need to address individual market premium increases because, for too many of our constituents, an affordable health plan is still out of reach.

I, along with many of my Democratic colleagues, have put forth ideas to deal with some of these issues.

I support the creation of a “public plan,” which would both increase competition in areas that are lacking and drive down premiums since, as Medicare has demonstrated time and again, the Federal Government can be more efficient than private for-profit companies.

I support legislation to bring down the high cost of prescription drugs, which are driving up premiums for families nationwide.

BlueCross BlueShield of Illinois now pays more for prescription drugs than they do on inpatient hospital costs, and they readily admit that drug costs are contributing to premium hikes.

We need to allow Medicare to negotiate drug prices. We need to end “pay for delay” agreements and get cheaper drugs on the market quicker. We need to prohibit direct-to-consumer advertising. We need more transparency into how drug prices are set, and we need penalties on drug companies that gouge the American public.

I also support enforcing portions of the law that Republicans have sabotaged and undermined since its inception. We need to allow the “risk corridor” program to operate unimpeded. We need to expand Medicaid in all States, especially since we know that premiums are highest and competition lowest in nonexpansion States, and we need to enforce the law—which is why the very first order of business going forward must be for President Trump to rescind the Executive order he issued on January 20.

The President's order directed the heads of all Federal agencies responsible for implementing and enforcing the Affordable Care Act to stand down, to not implement the law, to not enforce the law.

Now that the page has hopefully been turned on the ugly “repeal” chapter of this saga, it is time for the President and his administration to faithfully implement, enforce, and help improve this law.

I am calling on the President and congressional Republicans: Now is the time to stop undermining the law that is enjoying record support from Americans.

Now is not time to throw sand in the law's eyes, put a spoke in its wheel, and then turn around, gloat, and blame Democrats when it does not function properly.

The Affordable Care Act while championed by Democrats and President Obama, included over 100 Republican amendments and, for better or worse, borrowed heavily from Republican ideas for the marketplace.

Let's end these partisan games.

This law—the good and the shortcomings—is on all of us to improve.

Democrats have ideas, but we cannot do it alone. Remember, the Republican Party controls the House, the Senate, and the White House.

They are in charge. If improvements are going to be made, Republicans are going to have to get serious.

Now that the half-baked repeal effort has collapsed, my hope is that Republicans will finally be willing to sit down and work with Democrats. I know I am ready to pull up a chair.

#### RUSSIA AND TRUMP CAMPAIGN INVESTIGATION

Mr. DURBIN. Mr. President, last week in testimony to the House Intelligence Committee, FBI Director Comey confirmed what many of us have been urging for months: the need for an independent commission to look into the Russian act of cyber war on our election and any possible collusion with members of the Trump campaign.

Comey confirmed that the FBI was “investigating the nature of any links between individuals associated with the Trump campaign and the Russian government, and whether there was any coordination between the campaign and Russian efforts.”

He continued that FBI agents would pursue the investigation “no matter how long that takes.”

This is incredible. I am not surprised, but it is incredible. Our Nation's top law enforcement agency is investigating possible links between those involved in President Trump's campaign and a foreign adversary known to have conducted an aggressive intelligence operation to help him get elected, and all the while, this President continues to deny any such attack, praise the dictator who launched the attack, and pursue policies that mirror those of the attacker, including the weakening of the Western security alliance.

Yet what has been the priority of the majority party amid this mounting and serious breach, one we already knew about 5 months ago?

Has it been to set up an independent commission to look into this unprecedented threat to our Nation and democracy? No.

Has it been to work with the White House to disclose all information in an open and transparent manner to clear up any concerns or suspicions? No, in fact the opposite—we still haven't even seen the President's tax returns to get answers on Russian money in his businesses.

Has it been to pass sanctions on Russia for its attack on our Nation? No.

Has it been to pass meaningful cyber security legislation, legislation blocked by the majority in the last Congress to make sure our next elections in less than 2 years are secure from attack? No.

So what has been the priority instead? Well, last week, the majority voted to make it easier to kill baby bears and their mothers in their dens. The majority also reversed internet privacy protections for consumers. A few weeks ago, the majority voted to reverse a law to help mitigate corruption in some of the world's most impoverished nations.

Of course, the majority failed to advance TrumpCare, which would have