

must call on the international community to invest in the future of the Rohingya people. Everyone has a part to play in the economic development of the Rakhine State—the poorest state in Burma—for the benefit of all.

In closing, anyone who looks at the events that have occurred since last August can plainly see the massive scale of human catastrophe. Let it not continue. The world that cried out “never again” so passionately decades ago, that rallied against the war crimes of Kosovo, that condemned the Rwandan genocide has an obligation to stand up once again—this time in Burma—for the universal right of every human to live in peace, free from fear and free from persecution.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF R.D. JAMES

Mr. BARRASSO. Mr. President, I rise in support of the nomination of R.D. James to serve as Assistant Secretary of the Army for Civil Works. The Assistant Secretary establishes policy direction and provides leadership for the Civil Works programs at the U.S. Army Corps of Engineers.

In this position, Mr. James will play a central role ensuring the navigability of America's ports and inland waterways. He will oversee the Army Corps' flood and storm risk management and responses to emergencies like the hurricanes we saw in Florida and Texas this past fall.

Mr. James will also play a central role in modernizing America's aging water infrastructure. This month, the Committee on Environment and Public Works, which I chair, has held two hearings on the needs and challenges facing America's water infrastructure. These hearings are important steps as the committee works toward a new Water Resources Development Act, which will be reauthorized this year.

It is critical to have Mr. James confirmed so he can partner with us in this important process. I look forward to working with Mr. James on projects and issues that are important to my home State of Wyoming. He has already committed to me that he will work to find a permanent solution to preventing ice-jam floods, like those that caused the Big Horn River to flood the city of Worland, WY.

There is no reason this confirmation should be delayed any further. His nomination was unanimously approved by voice vote in both the Senate Armed Services Committee and the Environment and Public Works Committee. Mr. James is well qualified for this position.

He has served as a civil engineer member of the Mississippi River Commission since 1981. That is 37 years. He was appointed to that position by both Democratic and Republican Presidents. Mr. James is also an accomplished farmer and businessman. He is experienced, qualified, and ready to start.

It is time for the Senate to confirm his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Missouri.

Mr. BLUNT. Mr. President, I wish to thank Senator BARRASSO and Senator CARPER for their bipartisan work to get this nomination to the floor.

I have known R.D. James for a long time. He understands the projects involved, the work involved, and the challenges involved. He is a civil engineer and brings a lot of experience to this job.

The work of Senator CARPER and Senator BARRASSO is deeply appreciated. I think it will be appreciated by the Corps and the Department of Defense.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate has been running a bit behind. I wanted to accommodate my Republican colleagues.

I ask unanimous consent that the vote be moved to 2:20 p.m., rather than 2:15 p.m., on Mr. Azar.

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

Mr. WYDEN. Mr. President, a year ago, the President stormed into office promising better, cheaper healthcare for everyone. He said he would bring prescription drug prices down because, in his words, drug companies were “getting away with murder.”

So as we move to this vote, as the senior Democrat on the Finance Committee, I wanted to make sure we took stock after year 1. The Trump record on healthcare is worse than your garden variety case of a President failing to live up to his campaign promises. This President has surely hurt the people he promised to help. Very shortly, the Senate will vote on the nomination of Alex Azar to be the Secretary of Health and Human Services. In this position, he would be the captain of the President's healthcare team. So in my view, this debate is about a lot more than Mr. Azar's resume. It is a referendum on a year of healthcare failure, particularly on prescription drug costs, and it is a referendum on what I consider to be a healthcare agenda of discrimination.

I am going to begin with the skyrocketing prescription drug prices because they are a gut punch for millions of Americans each time they step up to the pharmacy window. Few promises the President made with respect to healthcare resonated more than his promise to bring down prescription drug prices, but now, a year later, he has chosen Alex Azar, a drug company executive with a documented history of raising drug prices.

From 2012 until last year, he was the head of Eli Lilly's American subsidiary, Lilly USA. He chaired its U.S. pricing, reimbursement, and access steering committee, which gave him a major role over drug price increases for every product Lilly marketed in America. On Mr. Azar's watch, Lilly more than doubled the prices of drugs used

to treat diabetes, osteoporosis, heart disease, and ADHD. And these are only some of the drugs under his purview.

He told the Finance Committee staff that he had never once approved a decrease in the price of a drug at Lilly. Mr. Azar said: That is just how the system works. Prices always go up. I would say that Mr. Azar may have had his facts straight about the system, but that doesn't make it right. Mr. Azar was a part of this broken system, and despite the cheerful overtures that he has made to Senators on both sides of the aisle over the last few weeks about how he wants to work on the issue, he has not offered even a single concrete example of how he would actually change the system he said is broken. He will not give us an example of how he would change it to make it better.

Members of this body, Democrats and Republicans, have come forward with specifics about what they would do to help those Americans getting clobbered at the prescription drug windows across the land. We have colleagues who are for drug importation. We have colleagues who are for more negotiating power for Medicare. We have colleagues who understand the challenge with the pharmaceutical benefit managers, where there is so little transparency. We asked Mr. Azar repeatedly for examples, but all he had to say about this system that was so broken is that he would be “open” to ideas.

As important as that is, there is a whole lot more for Senators to reflect on as they think about this vote. After a year in office, the Trump administration is steadily and relentlessly enacting a healthcare agenda of discrimination—discrimination against those with preexisting conditions, discrimination against women, discrimination against LGBTQ Americans, discrimination against those struggling to get ahead. The question up for debate today ought to be whether or not this nominee to head this critical office of healthcare policy is going to end that discrimination.

Colleagues, as you think about this vote, all I can tell you is that when you review the record—in the face of an administration moving relentlessly to promote discrimination in healthcare—there is not a shred of evidence that Mr. Azar is going to try to stop it, reform it, or in any way try to make sure that those Americans—all of them—get a fair shake.

From day one, in addition to this pattern of discrimination, the administration has been on a campaign of sabotage against the Affordable Care Act and the private health insurance markets. They cut the open enrollment period in half. They slashed the advertising budgets. They made it harder for people to sign up in person. That is the major reason why the number of Americans without insurance coverage increased by more than 3 million last year. Our friends and our neighbors are one sudden illness or injury away from the nightmare of personal bankruptcy

as a result of the healthcare policies this administration has pursued and cheered.

Even worse—and I touched on this yesterday—the administration is bringing back to life junk insurance, letting fraudsters get back into the insurance business with health plans that aren't worth the paper they are printed on. It takes me back to my days as co-director of the Oregon Gray Panthers. Back then, I met older people who sometimes had 15 or even 20 private insurance policies to supplement their Medicare. Those policies were junk. Some of them were just out-and-out scams.

So the Congress passed a law. I was proud to be a part of that bipartisan coalition to change it to protect older people. The law worked. We drained the swamp when it came to those fraudsters ripping off seniors. Then 8 years ago, some of the key parts of the Affordable Care Act put consumer protections in place so that nobody of working age would get ripped off with junk insurance. It is those policies and those people that the Trump administration would let the fraudsters exploit because the Trump administration wants to undo those protections against fraudsters who are ripping off those of working age.

They have already taken steps on what are called Association Health Plans. Next up are short-term plans that are likely to be even worse.

What this comes down to is the Trump administration's tradition of turning back the clock on healthcare and allowing junk insurance to discriminate over preexisting conditions and age. This is going to be a big test for Mr. Azar if he is confirmed.

I would just ask my colleagues: We will see if Mr. Azar is going to look the other way and allow scam artists to peddle junk coverage, or is he going to protect Americans who need care and health coverage they can count on?

There is also an array of discriminatory policies with respect to women's health. They tried to take away guaranteed no-cost access to contraception, essentially taxing women for their gender. Fortunately, that move has been held up in the courts. They overturned longstanding protections dealing with States and family planning—what amounts to an attack on a woman's right to see the doctor of her choosing and an attack on Planned Parenthood.

They are broadening exceptions that give employers and universities say over what healthcare women can access. When asked on these issues during his nomination hearing, Mr. Azar said: "We have to balance, of course, a woman's choice of insurance that she would want with the conscience of employers and others." My counter to that is absolutely not. There is no balancing women's choices against anything. In America, a woman's choice of healthcare ought to be her choice and nobody else's.

In much the same way as going after women's healthcare, this administra-

tion is permitting discrimination against LGBTQ Americans in need of healthcare.

Then, finally, there is Medicaid. In just the last few weeks, the administration has been giving States a green light to slap punitive, new requirements and limitations on Americans covered by State Medicaid Programs. This action by Health and Human Services goes after people across the country who are working on an economic tightrope. They are people who are taking care of kids or elderly parents or who are struggling with a chronic condition.

These punitive new requirements aren't going to improve anybody's healthcare. As the first waivers are coming out from the Department of Health and Human Services, the public is learning some disturbing details. In Kentucky, the State is introducing what sounds a lot like a literacy test for healthcare. Nobody in this body should have to be reminded that the history of literacy tests is an ugly and discriminatory one. That is the wrong direction to take on healthcare.

I close by saying that the record after 1 year shows that the Trump agenda on healthcare isn't about improving care for all Americans. The Trump agenda on healthcare is about discrimination and ideology.

So the question, as my colleagues come over to this floor to cast their votes, is whether the Trump administration is going to be allowed to continue to turn back the clock and advance discrimination. Given the opportunity to demonstrate that he would actually lead the Department in a new direction, he came up short. So I will not support his nomination.

Through my time in public service, back from those early days working with the senior citizens, I have always said: Healthcare has to be a bipartisan issue. To do healthcare right, you have to find a way to bring people together.

If Mr. Azar is confirmed, I hope he will make his stated willingness to listen to ideas a reality and begin to work closely with colleagues on both sides of the aisle to actually make some changes in these key areas I have described. From policies where we just sit on the sidelines with our skyrocketing drug prices, to sitting out in the fight against opioids, to allowing discrimination against women, to rolling back the protections on Medicaid—these are issues that go right to the heart of the health and safety of millions of Americans.

Mr. Azar certainly does not carry the ethical baggage of his predecessor, Tom Price. The question for the Senate this afternoon—after we have asked him again and again and again to give any examples of how he would break with these harmful policies of the last year, we have come up short. So I regret to say to the Senate that I am going to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Azar nomination?

Mr. BURR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—55

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Carper	Heitkamp	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Coons	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Jones	Thune
Crapo	Kennedy	Tillis
Cruz	King	Toomey
Daines	Lankford	Wicker
Donnelly	Lee	Young
Enzi	Manchin	
Ernst	McConnell	

NAYS—43

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Klobuchar	Shaheen
Brown	Leahy	Smith
Cantwell	Markey	Stabenow
Cardin	McCaskill	Tester
Casey	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Nelson	Whitehouse
Gillibrand	Paul	Wyden
Harris	Peters	
Hassan	Reed	

NOT VOTING—2

Corker McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.