

reverse agreements delay consumer access to the cheaper generic drug.

I am 100 percent certain that our pay-for-delay bill would help lower drug prices for our consumers and save the taxpayers money through Medicare and Medicaid. That is because generic drugs can be up to 90 percent cheaper than brand-name drugs, and that happens to be a tremendous savings.

Ending these payoff agreements would gut artificially inflated prices consumers are paying for some prescription drugs. Putting an end to these payoff schemes will end the choke hold they put on the market. By doing so, we can restore timely access for affordable generics to reach the market, boost competition, expand consumer choice, and at the same time lower drug prices.

In addition to the pay-for-delay bill that Senator KLOBUCHAR and I have, I am also cosponsor of a bill led by my friend Senator PAT LEAHY that would inject another dose of bipartisan common sense into the pharmaceutical industry. We use the acronym CREATES for this legislation, the Creating and Restoring Equal Access to Equivalent Samples Act. It seeks to stop anti-competitive practices that block lower cost generic drugs from the pharmacy store's shelves. It would help generic companies get the samples they need to manufacture equivalent products.

Right now, a common practice by bad actors in the industry prevents potential generic competitors from obtaining the samples they need to test their drugs or blocks them from participating in shared safety protocols. This practice of deny and delay is fueling deficit spending. That is because the tax-paying public shells out a whole lot more money to fill brand name prescriptions for veterans, the elderly, and the disabled, when the cheaper generic drugs would do the same thing. This would save a tremendous amount of money. We have the scoring by the Congressional Budget Office saying that our bill—the CREATES bill—would result in a \$3.8 billion net decrease in the Federal deficit.

Improving access to lower cost generic drugs while preserving the incentives for innovation and intellectual property rights ought to be seen by my colleagues as a win-win solution.

I hope you will not just take my word for it. More than 80 organizations supported the final passage of the CREATES Act. They would go all the way from the AARP over to the Consumers Union, which tend to be liberal organizations, all the way over to Taxpayers for Common Sense, which I think generally tends to be more conservative.

Our CREATES bill was approved in June by the Senate Judiciary Committee, which I chair, and has 30 Senate cosponsors. In addition to this legislation, I am also keeping tabs on proposed buyouts and mergers in the pharmaceutical supply chain. Without a doubt, increased market integration will impact consumers and taxpayers.

For example, the mergers of Cigna Corporation with Express Scripts Holding Company and the CVS Health Corporation with Aetna may negatively impact consumer choice. According to the Kaiser Family Foundation, once completed, these two mergers would result in just four entities controlling 71 percent of all of Medicare Part D enrollees and 86 percent of stand-alone drug plan enrollees.

Notwithstanding the consumer benefits of business integration that can include more innovation and cost-saving efficiencies, we can't afford to turn a blind eye to potential negative consequences that consolidation in the U.S. pharmaceutical supply chain may have in the marketplace.

I will wrap up my remarks today with this message for the American people: President Trump made a promise to the people to lower drug prices. His administration is working to deliver on that promise. Most of the stuff that has gone on so far has been within what the law allows the President, through the Secretary of HHS, to do so that Congress doesn't have to be involved in everything. But Congress can surely give support to this program.

The President's blueprint for bringing down prescription drug prices lays out four principles: Boost competition, enhance negotiation, create incentives for lowering list prices, and, lastly, bring down out-of-pocket costs.

Last month, he signed the Patient Right to Know Act into law, so he has the help of some new legislation now. I cosponsored this bill by Senator SUSAN COLLINS to ban what are called "gag clauses," which keep pricing information from consumers every time they visit the pharmacy counter.

The new law prevents health insurance companies from prohibiting pharmacy providers from sharing pricing information with consumers. So now, under the Collins legislation, a pharmacist can alert a customer if their copayment would cost more than paying out-of-pocket, as just an example.

This puts a little bit of transparency into the whole process and lets your pharmacist help you as much as he can to save money. But there are rules that some companies have that you can't share that information.

So along the lines of also hoping to save the consumer some money—or at least to educate the consumer on pharmacy practices and to have more transparency—Senator DURBIN and I pushed for Senate passage of an amendment that supports existing Health and Human Services authority requiring drugmakers to disclose the list price of prescription drugs in direct-to-consumer advertising.

It happens that the House of Representatives rejected our amendment. Nonetheless, the Secretary of HHS is moving forward with our concept to improve transparency by requiring companies to include these same drug prices in their direct-to-consumer advertising.

Another example of where the President, through the Secretary of HHS, has, under present law, authority to move ahead—we wanted to let the Secretary know, through the Durbin-Grassley amendment, that we wanted to back him up in his efforts. Drug companies are already required to include possible side effects in their TV ads. So isn't it commonsense to add to that list price information to further improve consumer decision making? The more information patients and healthcare providers have to make decisions on costs and outcomes, it seems to me, the better off they are.

Finally, I would like to say a word about another commonsense solution to high drug prices. For over 20 years, I have advocated for the safe reimportation of drugs from countries such as Canada. The late Senator McCain, along with Senator KLOBUCHAR, introduced S. 92, the Safe and Affordable Drugs from Canada Act. I am a cosponsor of this bill, and I plan to work to get it enacted into law.

In today's marketplace, there is a giant disconnect between consumers and the prices they pay for their prescription medicines. To many of my constituents in Iowa, it is just plain baffling why this can't be done. Americans have come to expect the best medicine when they need it most. We need to improve the marketplace so that it functions properly to lower drug prices and raise the bar on outcomes.

Looking ahead, our Republican majority here in the U.S. Senate will keep up the momentum to deliver cost savings to the American people. On my watch, I will continue working across the aisle to lower drug prices, restore competition, and increase transparency in the pharmaceutical industry. I welcome the incoming Democratic House majority to join our efforts in behalf of the American taxpayers and consumers.

As Americans count our blessings during this season of Thanksgiving and going into Christmas, we give thanks for the gifts of friends and family who gather together around these celebration tables. I am thankful for good health and the opportunity to serve Iowans. Along these lines, I will do my best to restore competition in the pharmaceutical market and to stop the gravy train that is taking taxpayers for a ride.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, notwithstanding rule XXII, I move to proceed to legislative session.

The PRESIDING OFFICER. Without objection, the question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 1153.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

## CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

Mitch McConnell, Johnny Isakson, Mike Rounds, Thom Tillis, Mike Crapo, Pat Roberts, John Hoeven, David Perdue, Tim Scott, John Cornyn, Roy Blunt, Cory Gardner, Tom Cotton, Jerry Moran, John Barrasso, Roger F. Wicker, John Boozman.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call for the cloture motion be waived.

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

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

## MICHIGAN VETERANS

Ms. STABENOW. Madam President, representing Michigan in the U.S. Senate is such an honor, and one of the best parts of this job is the work I am able to do on behalf of Michigan's over 600,000 veterans.

Our veterans have always been first in line to defend our democracy. That is why they should never be at the back of any line—for a job, for healthcare, for housing, or for education.

Our government has made our veterans promises—important promises—and those promises must be kept. That is true of the Trump administration, as well as every other administration. Unfortunately, many of our veterans are now finding that promises the govern-

ment made to them regarding their education are being broken.

For weeks now, student veterans have spoken out about their GI bill benefits being delayed or incorrect. One of those veterans is Brendan. He serves his country in the Michigan National Guard, and he is a student at Lake Superior State University in the beautiful Upper Peninsula of Michigan.

A few months ago, Brendan's GI bill benefits didn't go through even though he had done everything he was supposed to do. Brendan told his local station, WWTV:

I got emails saying, you need to pay your tuition. It stresses you out because you are wondering if you are going to get paid, and if I can't pay tuition, then I can't enroll in the next semester.

Bill, another student at Lake Superior State University, is a veteran of the U.S. Marine Corps. His housing stipend was 36 days late. "It upsets me," he told WWTV. He added: "When I was active duty, you are expected to be anywhere in the world within 24 hours, boots on the ground, ready to complete a mission. . . . When it comes time to pay veterans back for their service, it takes me 35 days to get a check in the mail."

That is simply outrageous.

What is even more outrageous is that this week, the Department of Veterans Affairs said it does not intend to reimburse veterans who were paid less than they were owed. That is after the Trump administration promised a House committee earlier this month that it would make sure veterans are reimbursed. The Department blames computer issues and says that going back to fix the mistakes would only delay further claims. That is completely unacceptable. You can bet that if Brendan or Bill or any other veteran tried to blame computer glitches for not paying their phone bill or failing to complete an assignment, it wouldn't work.

These veterans have done everything—everything—we have asked of them. It is our government's responsibility to provide them with everything they have been promised, and I am committed to doing everything in my power to make sure that happens. That is why earlier this month I called on the Secretary of Veterans Affairs to address this issue with the urgency it deserves—in other words, now. This isn't the first time the VA has faced backlogs, either, but it should be the last time—the very last time—our veterans are affected by them.

I heard about some of these issues during a series of 13 veterans roundtables I held around Michigan this year. I do this on a periodic basis to find out how things are going and what more I can do to help—as well as, of course, working with individual veterans who call our office every week.

In response to these roundtables, which I very much appreciate people from around the State participating in, I introduced the Student Veterans

Housing Act, which would help ensure that student veterans have a place to live as they are pursuing their education.

Currently, the end of the semester can mean the loss of housing benefits—when you are in between semesters and not in school—because the VA can't pay for housing in between semesters. My legislation would help ensure that student veterans don't have to reach into their own pockets to pay for a benefit they have already earned and would make sure they are not losing their housing between semesters. Our veterans should be able to focus on their studies, not worry about keeping a roof over their heads.

These veterans need to know their tuition payments will be there on time, just as they were promised. It is not enough to praise our veterans. We do that all the time, but praise doesn't pay the tuition bills or housing costs for student veterans. Instead, we must uphold each and every promise our country has made to them, including their GI bill benefits.

I was very pleased when we were able to strengthen the GI bill and was excited about the opportunities for new support for our veterans. Now we are hearing about technical issues and glitches that make no sense and undermine the ability of our veterans to fully benefit from the improved GI bill.

The Trump administration must address these technical issues immediately. The Senate must pass legislation, including my Student Veterans Housing Act, which will ensure that veterans are receiving all of the benefits they have earned. The VA must repay each and every dollar our veterans are owed, period. Veterans like Brendan and Bill and so many others have always been first in line to defend us. It is time for us to stand up for them and get this issue fixed.

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

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

## NATIONAL FLOOD INSURANCE PROGRAM

Mr. WHITEHOUSE. Madam President, this evening, the leader or someone standing in for the leader is going to come and close out the floor with a number of unanimous consents. One of them will be a unanimous consent to push consideration of the National Flood Insurance Program—to reauthorize it—a week down the road.

I will not object to that unanimous consent request, but I do want to speak to the predicament of the National Flood Insurance Program. For coastal States, this is a very big deal, and this is a program that is now completely out of step with the conditions that coastal States see before them, so we have to get this fixed.