

what is referred to as vertical integration. That is, right now, where the insurance company owns the PBM and owns the pharmacy.

The top three that I mentioned earlier that control 80 percent of the market, that is the case with all of them. CVS is the pharmacy. Caremark is the PBM. Aetna is the insurance company.

Now, when we were talking to the PBMs today in the committee, we would ask them, what are you doing with these discounts? What are you doing with these rebates that you get? And they would tell us, well, we give them back to the plan sponsors, and the plan sponsors decrease premiums.

Anybody seen their premium decreasing recently? I don't think I have.

But think about it for a moment. If the insurance company owns the PBM, and owns the pharmacy, if the PBM is going to give it back to the insurance company, isn't that just taking money out of one pocket and putting it in the other pocket?

I mean, if CVS—if Caremark is going to give back the money that they are saving in the third party with the PBMs to the insurance company, Aetna, that they also own—and they are not the only one.

What about Express Scripts? Express Scripts just recently bought Cigna. So you have got Cigna as the insurance company. You have got Express Scripts as the PBM. And, oh, by the way, Express Scripts has their own mail order pharmacy and in terms of volume, they are the third largest in America. So, again, we have the situation there.

Same thing goes with United, UnitedHealthcare owns Optum, and they have their own mail order pharmacy.

So, there you have the three top PBMs, controlling 80 percent of the market; that also have their own insurance company, and they also have their own pharmacy.

This is what happened in Ohio. Ohio discovered that Caremark, that third party, the PBM, was paying their pharmacy, CVS, 46 percent more than they were paying competing pharmacies. That is an example of where they were taking money out of one pocket and putting it in another pocket.

What about New York State? Their State Medicaid reported that PBMs were pocketing a 32 percent markup on generic drugs; 32 percent markup on generic drugs; the drugs patients traditionally rely on to be more affordable than their branded alternatives. But New York caught them red-handed.

I can go on and name State after State. The State of Arkansas called a special session to address the situation with PBMs.

Just yesterday, my home State of Georgia, the Governor signed into legislation two bills dealing with PBMs; one of them that would prohibit PBMs from steering their patients to their own pharmacies and steering them away from other pharmacies, independent pharmacies.

So this is just not the Federal Government acting on these issues. We have had States who have acted on these issues as well.

So let's talk about a couple of other things that we have done in Congress. One thing that I want to mention, because I thought it was such an egregious thing that the PBMs were doing in the past—we, thankfully, were able to address this—was called the gag clause.

Thankfully, we had legislation that I was honored to sponsor here in the House that was passed in the House, passed in the Senate, signed into law by the President. It addressed the gag clause.

What is a gag clause?

You want to talk about the audacity of the PBMs? Let me tell you about the audacity of the PBMs.

As I mentioned earlier, about the pharmaceutical manufacturers being under pressure to give the PBMs discounts, rebates, if you will, in order to get their drugs on the formularies; well, independent pharmacies are the same way. They are under pressure.

What the PBMs did is they told—they had a clause in their contract with the pharmacy, and it said that if a drug is cheaper if you buy it out of pocket, if you pay for it out of pocket, if you buy it for cash than the copay, you cannot tell the patient that.

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And if you do tell the patient that, then you run the risk of being kicked out of the network. Well, the reality is you can't afford to be kicked out of the network. If you lose thousands of bodies because that PBM controls that network, then you are out of business.

So pharmacies had no other choice. Patients were paying more with their copay than what they would have paid for it if they would have simply paid out of pocket, just simply paid cash. We did away with that.

Thank you, Mr. President, for signing that legislation.

We addressed that in Congress. We said, no, that is not going to happen anymore. Now pharmacists can do what they were trained to do, and that is take care of their patients and tell them, Look, if you pay for this, you can buy it for \$4 and you don't have to pay a \$20 copay.

You say, Well, how often did that happen?

Well, let me give you just one example that happened in our committee, in the Energy and Commerce Committee. We actually had one of our Members who was the primary caregiver for her husband, who was very ill at the time. We had been talking about the gag clause, so she knew about it. She knew that pharmacists weren't allowed to offer that information.

So she went into the pharmacy, and she was told that her husband's medication, no exaggeration, was going to be \$600. She knew to ask the pharmacist. She said, What if I just pay for

it out of pocket? What if I just pay you cash? How much will it be?

\$40. \$40.

Now, granted, this is an extreme example, but it is an example.

Thank goodness we did away with that. I thank the Senate for passing this. I thank the House for passing it. I especially thank the President for signing this into law.

Madam Speaker, this is a real problem.

I want to conclude by saying that what we are trying to do here is to bring about transparency. Just show us what is happening. That is all we are asking for.

I want to applaud the administration. I want to thank President Donald J. Trump for bringing this issue to light. This has been an issue that he has worked on.

This is a nonpartisan issue. I never in my years of practicing pharmacy asked someone, Are you a Republican or a Democrat? That doesn't matter. This impacts everyone.

I thank the President for his leadership on this and I thank the administration for these two proposed rules: doing away with DIR fees, making the rebates at the point of sale, so that they will truly go to the patient.

These two rules that are being proposed by CMS will help get us to a point where we will have more transparency. That is what we need.

Folks, this is a serious subject, a very serious subject. I have witnessed it firsthand, witnessed it in my practice of pharmacy for over 30 years. It is horrible when you see someone suffering who can't afford a medication.

I call on the pharmaceutical manufacturers to do their part. They have got to do a better job with their pricing. They are not without responsibility here, and I think they understand that.

But, Madam Speaker, we have got to have these two rule proposals passed, and I encourage CMS to follow through on this, do away with DIR fees, put the rebates at the point of sale. This will bring about transparency.

I thank the administration for their support. I thank those who spoke here tonight.

Madam Speaker, thank you for giving me this opportunity to bring to light this extremely important subject.

Madam Speaker, I yield back.

#### THE MUELLER REPORT

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 60 minutes as the designee of the majority leader.

Ms. SCHAKOWSKY. Madam Speaker, the report on the investigation into Russian interference in the 2016 presidential election, more commonly known as the Mueller report, outlines efforts by the Russian Government to manipulate the United States election

system and directly attack American democracy. It outlines alleged coordination between individuals associated with one camp and Russia to influence our election.

It also documents multiple instances of potential obstruction of justice.

The report has been mischaracterized and spun in inappropriate ways in the Halls of Congress and within the media.

In reality, the report documents widespread activities undertaken by many in positions of power that were at best unethical and at worst illegal.

But you don't have to take my word for it. Instead, listen to the following examples taken directly from the report and judge for yourself.

I am going to begin with a quote from the Mueller report and then invite my colleagues to also simply read from the document, which the American people should know can be downloaded for free from the Department of Justice website.

"The evidence we obtained about the President's actions and intent present difficult issues that would need to be resolved if we were making a traditional prosecutorial judgment. At the same time, if we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, we are unable to reach that judgment. Accordingly, while this report does not conclude that the President committed a crime, it also does not exonerate him." Volume II, page 8.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from California (Mrs. DAVIS) to quote from the Mueller report.

Mrs. DAVIS of California. "On Saturday, June 17, 2017, the President called McGahn and directed him to have the special counsel removed . . . In interviews with the Special Counsel's Office, McGahn recalled that the President called him at home twice and on both occasions directed him to call Rosenstein and say that Mueller had conflicts that precluded him from serving as special counsel. On the first call, McGahn recalled that the President said something like, 'You gotta do this. You gotta call Rod.'" Volume II, page 85.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. "Substantial evidence indicates that the catalyst for the President's decision to fire Comey was Comey's unwillingness to publicly state that the President was not personally under investigation, despite the President's repeated requests that Comey make such an announcement. Other evidence, however, indicates that the President wanted to protect him-

self from an investigation into his campaign." Volume II, pages 75 and 76.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentleman from Illinois (Mr. CASTEN).

Mr. CASTEN of Illinois. Madam Speaker, this is in response to the attorney general's claim that the President has constitutional immunity from prosecution. Mr. Mueller writes: "We were not persuaded by the argument that the President has blanket constitutional immunity to engage in acts that would corruptly obstruct justice through the exercise of otherwise valid Article II powers."

He goes on at some length to talk about what that standard is, but I want to read the footnote in that section.

"A possible remedy through impeachment for abuses of power would not substitute for potential criminal liability after a President leaves office. Impeachment would remove a President from office, but would not address the underlying culpability of the conduct or serve the usual purposes of the criminal law. . . .

"Impeachment is also a drastic and rarely invoked remedy, and Congress is not restricted to relying only on impeachment, rather than making criminal law applicable to a former President. . . ."

That is from Volume II, page 178.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. "On Saturday, June 17, 2017, the President called McGahn and directed him to have the special counsel removed . . . In interviews with the special counsel's office, McGahn recalled that the President called him at home twice and on both occasions directed him to call Rosenstein and say that Mueller had conflicts that precluded him from serving as special counsel. On the first call, McGahn recalled that the President said something like, 'You gotta do this. You gotta call Rod.'" This is from Volume II, page 85.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Reading from Volume II, page 8: "Congress has authority to prohibit a President's corrupt use of his authority in order to protect the integrity of the administration of justice."

"Article II of the Constitution does not categorically and permanently immunize the President from potential liability for the conduct that we investigated. Rather, our analysis led us to conclude that the obstruction-of-justice statutes can validly prohibit a President's corrupt efforts to use his official powers to curtail, end, or interfere with an investigation."

"The conclusion that Congress may apply the obstruction laws to the President's corrupt exercise of the powers of office accords with our constitutional system of checks and balances and the principle that no person is above the law."

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Minnesota (Ms. OMAR).

Ms. OMAR. Reading from Volume II, page 157: The "investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations. The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels. These actions ranged from efforts to remove the special counsel and to reverse the effect of the attorney general's recusal; to the attempted use of official power to limit the scope of the investigation; to direct and indirect contacts with witnesses with the potential to influence their testimony. Viewing the acts collectively can help to illuminate their significance." Volume II, page 157.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentleman from New York (Mr. MORELLE).

Mr. MORELLE. "After it was reported that Cohen intended to cooperate with the government, however, the President accused Cohen of 'making up stories in order to get himself out of an unrelated jam (taxicabs maybe?),' called Cohen a 'rat,' and on multiple occasions publicly suggested that Cohen's family members had committed crimes. The evidence concerning this sequence of events could support an inference that the President used inducements in the form of positive messages in an effort to get Cohen not to cooperate, and then turned to attacks and intimidation to deter the provision of information or undermine Cohen's credibility once Cohen began cooperating." Volume II, page 154.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. "The President launched public attacks on the investigation and individuals involved in it who could possess evidence adverse to the President, while in private, the President engaged in a series of targeted efforts to control the investigation. For instance, the President attempted to remove the special counsel; he sought to have Attorney General Sessions unrecuse himself and limit the investigation; he sought to prevent public disclosure of information about the June 9, 2016, meeting between Russians and campaign officials; and he used public forums to attack potential witnesses who might offer adverse information and to praise witnesses who declined to cooperate with the government." Volume II, page 157.

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Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. "In early 2018, the press reported that the President had directed McGahn to have the special counsel removed in June 2017 and

that McGahn had threatened to resign rather than carry out the order. The President reacted to the news stories by directing White House officials to tell McGahn to dispute the story and create a record stating he had not been ordered to have the special counsel removed. McGahn told those officials that the media reports were accurate in stating that the President had directed McGahn to have the special counsel removed."

Volume II, pages 5 and 6.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentleman from New York (Mr. MORELLE).

Mr. MORELLE. "Congress can permissibly criminalize certain obstructive conduct by the President, such as suborning perjury, intimidating witnesses, or fabricating evidence, because those prohibitions raise no separation of powers questions. . . . The Constitution does not authorize the President to engage in such conduct, and those actions would transgress the President's duty to 'take care that the laws be faithfully executed.'"

Volume II, page 170.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. "On October 7, 2016, the media released video of candidate Trump speaking in graphic terms about women years earlier, which was considered damaging to his candidacy. Less than an hour later, WikiLeaks made its second release: thousands of John Podesta's emails that had been stolen by the GRU in late March 2016. The FBI and other U.S. Government institutions were at the time continuing their investigation of suspected Russian Government efforts to interfere in the Presidential election.

"That same day, October 7, the Department of Homeland Security and the Office of the Director of National Intelligence issued a joint public statement 'that the Russian Government directed the recent compromises of emails from U.S. persons and institutions, including from U.S. political organizations.' Those 'thefts' and the 'disclosures' of the hacked materials through online platforms such as WikiLeaks, the statement continued, 'are intended to interfere with the U.S. election process.'"

Volume I, page 7.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Connecticut (Mrs. HAYES).

Mrs. HAYES. "Further, the Office learned that some of the individuals we interviewed or whose conduct we investigated—including some associated with the Trump campaign—deleted relevant communications or communicated during the relevant period using applications that feature encryption or that do not provide for long-term retention of data or communications records. In such cases, the Office was not able to corroborate witness statements through comparison to contemporaneous communications or

fully question witnesses about statements that appeared inconsistent with other known facts."

Volume I, page 10.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. "Cohen also recalled speaking with the President's personal counsel about pardons after the searches of his home and office had occurred, at a time when the media had reported that pardon discussions were occurring at the White House. . . . Cohen understood, based on this conversation and previous conversations about pardons with the President's personal counsel, that as long as he stayed on message, he would be taken care of by the President, either through a pardon or through the investigation being shut down."

Volume II, page 147.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. "The investigation established that several individuals affiliated with the Trump campaign lied to the Office, and to Congress, about their interactions with Russian-affiliated individuals and related matters. Those lies materially impaired the investigation of Russian election interference. The Office charged some of those lies as violations of the Federal false statements statute."

Volume I, page 9.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Connecticut (Mrs. HAYES).

Mrs. HAYES. "The President and his personal counsel made repeated statements suggesting that a pardon was a possibility for Manafort, while also making it clear that the President did not want Manafort to 'flip' and cooperate with the government."

Volume II, page 131.

Ms. SCHAKOWSKY. Madam Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. "Immediately after the November 8 election, Russian Government officials and prominent Russian businessmen began trying to make inroads into the new administration. The most senior levels of Russian Government encouraged these efforts. The Russian Embassy made contact hours after the election to congratulate the President-elect and to arrange a call with President Putin. Several Russian businessmen picked up the effort from there."

Volume I, page 7.

Ms. SCHAKOWSKY. "The President engaged in a second phase of conduct, involving public attacks of the investigation, nonpublic efforts to control it, and efforts in both public and private to encourage witnesses not to cooperate with the investigation."

Volume II, page 7.

"The President's position as the head of the executive branch provided him with unique and powerful means of in-

fluencing official proceedings, subordinate officers, and potential witnesses."

Volume II, page 7.

"Substantial evidence indicates that the President's effort to have Sessions limit the scope of the special counsel's investigation to future election interference was intended to prevent further investigative scrutiny of the President's and his campaign's conduct."

Volume II, page 97.

Madam Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. "Two days after the President directed McGahn to have the special counsel removed, the President made another attempt to affect the course of the Russia investigation. On June 19, 2017, the President met one-on-one with Corey Lewandowski in the Oval Office and dictated a message to be delivered to Attorney General Sessions that would have had the effect of limiting the Russia investigation to future election interference only."

Volume II, page 90.

Ms. SCHAKOWSKY. Madam Speaker, I yield back the balance of my time.

#### MARKING THE ONE-YEAR ANNIVERSARY OF THE FAMILY SEPARATION CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the gentlewoman from Washington (Ms. JAYAPAL) is recognized for the remainder of the hour as the designee of the majority leader.

Ms. JAYAPAL. Madam Speaker, I thank Representative SCHAKOWSKY for her incredible leadership in the Congressional Progressive Caucus on so many issues, including bringing truth to the Mueller investigation and making sure people understand exactly what is going on.

Madam Speaker, for the rest of the Special Order hour, which is the Congressional Progressive Caucus' Special Order hour that we do each week, we are focusing on the 1-year anniversary of the family separation crisis. Any of our Members here who would like to speak are welcome to do so.

Let me start by saying, 1 year ago, I became the first Member of Congress to go into a Federal prison where hundreds of men and women, mothers and fathers, had been separated from their children and were being held in the prison system, in the Federal prison just south of my district.

I cannot, even today, 365 days later, forget the stories that these mothers and fathers told me. They told me about how immigration agents said to them, "Your families don't exist anymore," and that they would never see their children again.

At the time that I saw them, it was already 3 to 4 weeks after they had been separated, and the majority of those parents had no idea where their children were.

In fact, that morning, some of them had been handed slips that supposedly