

economy. As I said, he was in the Houston area, finishing a tour of the Johnson Space Center, when he made an unscheduled stop at a Randalls grocery store before he headed to Miami.

The Houston Chronicle reported at the time that Yeltsin gawked at the abundant produce, the selection of fresh fish, the checkout aisle, and especially the frozen pudding pops. He roamed the aisles, according to the story, stared at the frozen food section, and took advantage of the free samples of cheese. He actually talked to some of the customers there and asked questions about what they were buying and how much it cost them. He was stunned—absolutely stunned—as this was a far cry from the grocery stores in the Soviet Union. Yeltsin said: “Even the Politburo doesn’t have this kind of choice, not even Mr. Gorbachev.”

That day, Boris Yeltsin learned something that the overwhelming majority of people in our country already know—that socialism cannot provide the bounty, the prosperity, or the choices that capitalism can.

Leon Aron, who wrote Yeltsin’s biography, quoted one of his associates.

He said:

For a long time, on the plane to Miami, he sat motionless, his head in his hands. “What have they done to our poor people?” he said, after a long silence.

He told his fellow countrymen who were traveling with him that if their people were to see the conditions in American supermarkets, “there would be a revolution.”

Make no mistake about it. If the most radical Democrats in our country today get their way on the outlandish socialist policies they are pushing, the American people will be calling for a revolution.

The Green New Deal, Medicare for All, and economic security for those who are able-bodied yet who are unwilling to work are policies that are not going to raise up the most economically disadvantaged people in our country. They are going to pull everyone else down. Socialism promises not prosperity for all but what Winston Churchill called the equal sharing of miseries.

Though these self-proclaimed democratic socialists make big promises on how their policies will deliver fairness and equality for all Americans, that could not be further from the truth. The first thing these policies would do is to bankrupt our country. These unworkable economic policies will kill jobs and outlaw our most reliable, affordable energy sources. “Medicare for All” will turn into “Medicare for none” when the entire system crashes and when those who are unwilling to work will lose any incentive to even try. It would subsidize a nation of slackers.

This threat of the seductive embrace of socialism isn’t an exaggeration. Some of our friends across the aisle are actually critical of the equal opportunity, “pulling yourself up by your bootstraps,” hard-working economic

system that has made our country the envy of the world. They say: You didn’t create your success; the government did—what a bunch of hooley.

Over the weekend, one Democratic Member of the House who was speaking at South by Southwest in Austin, my hometown, referred to capitalism as “irredeemable” and tried to blame capitalism for every problem that exists in our society. I admit that we are not perfect, but capitalism isn’t the cause of every problem that exists in our society. Of all places to complain about the perils of capitalism, there is more than a little irony in her having chosen Texas—the most successful, free-enterprise economy in our Nation.

Instead of talking about this socialist, Big Government approach that we all know will fail, let’s look at how the Texas model has led my State to become an economic powerhouse and the envy of the Nation.

We keep taxes low, government spending restrained, and regulations at a rational minimum to give people and the small businesses that provide jobs the freedom to pursue their dreams and to prosper. I must say that it is obvious that it is working. The unemployment rate in Texas is 4 percent, which is among the lowest in the Nation. In Midland—in the Permian Basin, the heart of the energy boom in my State—unemployment is 2.1 percent. You are hard-pressed to find anybody to take the jobs that do exist because, essentially, everybody who is willing to work is fully employed. The biggest problem that job creators have is getting the workers they need. Yet there is a silver lining for the workers. This pushes wages higher as businesses compete for their labor.

Last week, the U.S. Census Bureau and the U.S. Bureau of Economic Analysis released international trade data that showed Texas, for the 17th year in a row, as the top State for exports. We make stuff, and we sell stuff. We grow things. We raise cattle and agricultural products, and we sell them. We are the top State for exports. In fact, our exports account for nearly 20 percent of the exports of the entire Nation. In 2018, that totaled more than \$315 billion of exports—more than double that of California’s, which is the second highest exporter. These earnings not only fuel the economy of our State, but they boost the entire Nation.

Our export dominance is only part of the reason Texas is thriving. Together, with lower taxes and less burdensome regulation, businesses and dream seekers are drawn to our State, which creates opportunities for everyone who is willing to work. Instead of growing government and increasing the tax burden, we allow businesses—small, medium, and large—to invest in their workforces, in our communities, and in our way of life.

In Texas, we believe that less government is more. We don’t try to centralize power in the statehouse. We give businesses, entrepreneurs, and

hard-working Texans of all backgrounds, ethnicities, and races the freedom by which they can create their own opportunities. We know that the more you tax, the more there are government controls and that the more you regulate, the greater the burden is on new ideas, investment, and opportunity.

The socialist policies being espoused by some members of the Democratic Party are not going to make our businesses and our economy stronger or more competitive. Indeed, history has shown that these are failed policies that will stifle innovation, discourage hard work, and make us look more like that 1980s Soviet grocery store.

Instead of our grocery stores being filled with a selection of beautiful produce, fresh meat, your favorite snack foods, they will be stocked with whatever the government says it wants you to have. Instead of making an appointment with your doctor when you are sick, you will wait for Lord knows how long to get an appointment with a government-run clinic and have few, if any, options. Instead of forcing ourselves out of bed in the morning to go to work, people who are able but who don’t want to work will stay in bed, knowing they can receive food and medical care that will be subsidized by your labor and your hard-earned tax dollars.

That is what these old—but now, somehow, dressed up as something new—failed ideas that have been proposed by our Democratic colleagues would do. Forget government “of the people, by the people, and for the people.” They want a country by the government, for the government—the people be damned.

In his autobiography, Yeltsin wrote: “When I saw those shelves crammed with hundreds, thousands of cans, cartons and goods of every possible sort, for the first time I felt quite frankly sick with despair for the Soviet people . . . that such a potentially super-rich country as ours has been brought to a state of such poverty.”

I pray that our country never sees that day when it is brought to ruin because of these 21st century socialists.

I yield the floor.

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

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

S. 659

Ms. COLLINS. Mr. President, I rise today to discuss Senate bill, S. 659, the Biologic Patent Transparency Act. This bill would help encourage competition in the prescription drug marketplace and begin to put an end to the harmful patent strategies that block new drugs from coming to market. I am pleased to be sponsoring this legislation with my friend and colleague

from Virginia, Senator TIM KAINE, as well as with Senators PORTMAN, SHAHEEN, BRAUN, and STABENOW, all of whom have joined us as original co-sponsors.

Prescription drugs are vital to the health and well-being of Americans, especially our Nation's seniors, 90 percent of whom take at least one prescription drug in any given month. Developing these medicines is a lengthy, expensive, and uncertain process. It often takes more than a decade and can cost billions of dollars to bring a new drug from the laboratory to the patient. Most drugs fail during the clinical trials. If we want new medicines to reach consumers who need them, the companies that invest in this research and development and take the risks necessary must see a fair return on their investment.

To encourage such investments, Congress grants inventors limited periods of patent protection during which their products are legally shielded from competition. Rewarding these investments has proven to be beneficial to many Americans. The past century could be termed the "Age of Miracle Drugs," with discoveries such as insulin and penicillin, and treatments for cancer, heart disease, HIV, and other serious medical conditions. Today, however, we might well define a "miracle drug" as one that has not doubled in price since the last refill.

Although our country leads the world in prescription drug innovation, we also lead the world in drug spending. According to one estimate, U.S. spending on prescription drugs will reach between \$580 billion and \$610 billion by the year 2021. In 2017, Americans spent more than \$330 billion on retail prescription drugs, and nearly one-quarter of individuals surveyed reported difficulties paying for the cost of their prescription medications.

How well I remember standing in the pharmacy line several months ago behind a couple who were informed by the pharmacist that their copay would be \$111. The husband turned to his wife and said: "Honey, we just can't afford that." They then turned around, left their prescription on the counter, and left the pharmacy. I asked the pharmacist how often that happens, and he told me, "Every day." That is the kind of onerous burden too many Americans are facing, and it's causing them to forgo fulfilling a prescription, to stretch out doses, or simply to choose to buy the medicine and short themselves on food or be late in paying their rent or mortgage.

Among the most expensive drugs on the market today are biologics. These are incredibly promising drugs for the health and well-being of many Americans. They have revolutionized treatment for many serious and life-threatening conditions, from diabetes and rheumatoid arthritis to cancer and multiple sclerosis.

Today, fewer than 2 percent of Americans use biologics, yet biologics ac-

count for nearly 40 percent of total spending on prescription drugs. Last year, the Senate Aging Committee, which I chair and which the Presiding Officer is a member of, held a hearing to examine the price increases for one of these groundbreaking treatments. HUMIRA, the world's best-selling prescription drug, is a biologic that was first approved for the treatment of rheumatoid arthritis by the Food and Drug Administration, the FDA, in 2002. In 2017, U.S. sales of this product generated an astonishing \$12.3 billion in revenue for the drug's manufacturer.

Now, HUMIRA is truly a miracle drug for many patients. It is used to treat a variety of conditions, ranging from rheumatoid arthritis to Crohn's disease to ulcerative colitis and plaque psoriasis. So a wide range of diseases and conditions are responsive to HUMIRA. According to various reports, more than 200 patent applications have been filed for HUMIRA, with nearly 90 percent of those filed after HUMIRA was first approved by the FDA in 2002.

According to the manufacturer's CEO, more than 130 patents are included in HUMIRA's patent portfolio today. Protections provided by these patents can block competition and extend the drug's market monopoly until the year 2034. Keep in mind that this is for a drug that was first approved in 2002. We're talking about extending the patents until 2034.

HUMIRA has increased in price yet again this year, and although biosimilars have been approved by the FDA, patent litigation is blamed for keeping these lower cost alternatives from reaching the market. And HUMIRA is not the only biologic to be protected by such an extensive portfolio of patents—what we call a "patent thicket."

Enabling the creation, approval, and marketing of competitive biological products must be among our top priorities when we consider ways to reduce the healthcare costs of Americans.

The Biologic Patent Transparency Act is an important step Congress can take to shine light on the patent thickets that protect these biologics and to stop some of the gaming that has prevented consumers from accessing lower cost, FDA-approved products.

So what will our bill do? It has three major components. First, our bill would require manufacturers to disclose to the FDA the web of patents that protect their approved biologics from competition by biosimilar manufacturers—a process that we already know works. It has worked remarkably well for the small molecule drugs that are governed by the Hatch-Waxman Act of 1984. Although generics accounted for only 13 percent of U.S. prescriptions immediately before the Hatch-Waxman Act was passed, today they make up 90 percent. These generics often cost 70 to 90 percent less than the branded product. They have significantly reduced costs and expanded access to necessary treatments

for Americans. According to one estimate, generics have saved consumers more than \$1.6 trillion in drug costs over the last decade.

Second, our bill would tackle the patent strategies that are intentionally designed to block competition by limiting the enforceability of late-filed patents against biosimilar manufacturers that have already filed applications with the FDA.

According to one estimate, over 70 of the patents covering HUMIRA were applied for and granted within three years prior to the expiration of the initial patents.

So here's what is happening. A manufacturer of a wildly successful drug sees that its patents are about to expire and that a competitor—a biosimilar manufacturer—is on the way to getting approval by the FDA for its product. So what that original brand manufacturer does is make small alterations, frequently, in the product. It doesn't change the product in a dramatic way. It doesn't come up with a brand new medicine, but it changes it ever so slightly or decides to patent an aspect of it that was not previously patented. The whole purpose is to prevent that biosimilar manufacturer from bringing to market a more affordable product that consumers could access. That is just wrong. That is not what patents are intended for. And as I made clear earlier in my statement, I support a limited period of exclusivity for the innovator manufacturer. I think we should reward that investment in research and development and clinical trials, which is often very expensive. But it is not right for the patent system to be gamed this way, for it to be exploited and for last-minute patents to be filed for the sole purpose of precluding a competitor from coming to market with a less expensive, equivalent drug.

Restricting the enforcement of these late-filed patents that are filed after the application by the biosimilar manufacturer has been filed with the FDA will still protect the important investments made by the manufacturers, while encouraging the biosimilar manufacturers to bring important innovations to consumers sooner and at a lower cost.

Finally, the third part of our bill would require the FDA to regularly publish specific information related to approved biologic products, making it easier for prospective competitors to evaluate and plan for the development and introduction of biosimilars.

In addition to the name and patent information for all approved biological products, our bill would require the FDA to publish information including the drug's marketing status, applicable reference products, periods of exclusivity, biosimilar or interchangeable products, and approved indications for usage. The FDA will be required to regularly update this information as well, so that it is readily available and up-to-date. So what this will do is allow

the biosimilar manufacturer to go to what is known as the "Purple Book" at the FDA, take a look at the drug it wishes to compete with, and learn what existing patents are there, how long they are going to be in effect, and plan accordingly.

America's system of protecting innovation has provided our citizens with tremendous benefits, especially in the area of pharmaceuticals. Of that there can be no doubt. We must provide pharmaceutical manufacturers with the ability to recoup their investments, but at the same time, we cannot be blind to the costs of these drugs, nor to cases where patent laws are manipulated to preserve monopolies and prevent lower cost, equivalent drugs from coming to market. Passing the Biologic Patent Transparency Act is a major step we can take to put a stop to the patent-gaming that blocks consumers from accessing lower cost drugs. I encourage my colleagues to support this crucial legislation.

Thank you.

I yield the floor.

Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

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 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 Paul B. Mathey, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, David Perdue, Roy Blunt, John Cornyn, Joni Ernst, Lindsey Graham, John Boozman, Mike Rounds, Thom Tillis, Steve Daines, James E. Risch, John Hoeven, Mike Crapo, Shelley Moore Capito, John Thune, Pat Roberts, Jerry Moran.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Paul B. Mathey, of New Jersey, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Georgia (Mr. PERDUE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—50

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Paul	

NAYS—44

Baldwin	Harris	Rosen
Bennet	Hassan	Schatz
Blumenthal	Heinrich	Schumer
Booker	Hirono	Shaheen
Brown	Jones	Sinema
Cantwell	Kaine	Smith
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	

NOT VOTING—6

Graham	Murkowski	Perdue
Manchin	Murray	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 44.

The motion is agreed to.

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO DICK WILLIAMS

Mr. ISAKSON. Mr. President, I will be very brief for the Senator from Delaware so I am not taking up too much time.

I am here to do something very special. One of the great things we get to do is to pay tribute to people who do great things in our State. We don't brag about journalists as much as we should. They think we are saying bad things about them, but they are great. They make the country better. The fact that we have an accountable media makes us all great. There are superstars within the media who deserve acknowledgment, particularly when they retire from the job. In Georgia, that has been the case.

Dick Williams, in Atlanta, GA, announced on Sunday that after 53 years

in print, television, and radio journalism, he is going to retire. Dick has covered me over many years. He has been known as a conservative columnist, but he has gone after me as many times as he has been for me. He plays it straight down the middle unless it has to do with basketball—and he loves basketball. He has been chosen to referee in the conference championship for the State's high schools and has been a great sportsman for Georgetown University, for which he recruits athletes. He himself went to Georgetown.

Rebecca, his wife, was in the Georgia House as a reporter when I was in the Georgia House years ago. She is a talented house person who went on to ABC. She and Dick got married, and they have two children. They live in Brookhaven, GA, which is a new city that was created by the Georgia Legislature to allow independence for a lot of our cities that had been trapped inside the metro area.

His wife has been a reporter of journalism, and Dick has been a reporter of journalism. Then Dick bought the Dunwoody Crier. The Dunwoody Crier is one of those weekly publications—neighborhood newspapers—that everybody loves because it has their kids' pictures in it, because you can get a story about your wedding in there, and because Dick also writes in there some poignant columns that one would never read anywhere else.

When he wrote for the Atlanta Journal-Constitution, he wrote for a newspaper that was owned by Eugene Patterson, by Ralph McGill, and by many talented writers. He was in the same category of spokesman and writer as those two gentlemen, who were giants, with McGill's having won a Pulitzer Prize.

Dick is one of the most favorite people I have ever known who reported on politics because he was always doing it for the right reasons. There are projects that have happened in our State today because Dick Williams took the power of the press not to trash something but to build up the facts that allowed it to pass. A lot of times, that doesn't happen, but when Dick saw a good deal, he would go for it, and when he saw a bad deal, he would go for it. Either way, you could take his word for it all the time because he was what is known in the profession as a straight shooter.

Dick Williams is a very special individual to me and my family. He did 1,700 shows called "The Georgia Gang." Every Sunday, at 8:30 in the morning, for 30 minutes, every politician in Georgia watches channel 5 in Atlanta because that is "The Georgia Gang." If you make it by that, your week is going to be pretty good because they haven't skewered you for something stupid that you did, but if you don't make it by that, you are going to have a tough week.

Dick Williams is the kind of journalist all of us love—accurate, articulate, smart, and caring about what he