



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, MONDAY, APRIL 8, 2019

No. 60

Senate

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
Eternal Father, You are the source and strength of our lives. Great is Your faithfulness. We thank You today for our lawmakers, who have embraced the calling to serve You by serving our Nation. Lord, provide them with the wisdom and courage they need for the living of these challenging times. Bless them with Divine insights as they grapple with complexity that requires difficult choices. May they make it their ultimate goal to serve You by striving to do what is best for our Nation and world.

Guide us, Eternal Father, for we are pilgrims in this land.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. ERNST). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 200.

The PRESIDING OFFICER. Is there objection?

Hearing none, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of David Bernhardt, of Virginia, to be Secretary of the Interior.

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 David Bernhardt, of Virginia, to be Secretary of the Interior.

Mitch McConnell, Mike Crapo, John Thune, John Barrasso, Johnny Isakson, Pat Roberts, John Cornyn, Lindsey Graham, Thom Tillis, Roy Blunt, John Boozman, James E. Risch, Roger F. Wicker, John Hoeven, Mike Rounds, Steve Daines, Shelley Moore Capito.

REMEMBERING FRITZ HOLLINGS

Mr. MCCONNELL. Madam President, the Senate mourns a part of our institution's history who passed away over the weekend. Until Saturday, Senator Fritz Hollings of South Carolina was the oldest living former Senator. He is

also the longest tenured junior Senator in history, since 36 of his 38 years in this body came alongside Senator Strom Thurmond.

But there was nothing "junior" about Fritz's career, his impact, or his larger-than-life personality. By the time I arrived in the Senate, Fritz had already built a reputation as a war veteran, State legislator, Governor, Senator, and as a candidate for the Democratic Presidential nomination. He had raised a family between his hometown of Charleston and the State capital, Columbia.

At every turn, he was a square-jawed southern gentleman. In every case, he was someone who would call things exactly how he saw them. Fritz spoke his mind with cutting wit and undeniable sincerity on causes that captured his attention. As a result of his passion and skill, his name will be forever linked with a long list of important achievements here in the Senate. He called attention to a growing Federal budget deficit, advocated for the needs of our Nation's men and women in uniform, and confronted the tragic poverty in America's own backyard, especially child hunger.

So today the Senate mourns not just a friend and former colleague but a true example of what it means to live a life of service. We mourn with Fritz's family and the people of South Carolina, and we join them in celebrating a life so fully lived.

RESIGNATION OF KIRSTJEN NIELSEN

Madam President, on a completely different matter, Department of Homeland Security Secretary Kirstjen Nielsen announced that she is concluding her 2-plus years of service to the administration and to the American people.

The men and women of DHS keep America safe on a dizzying array of fronts. They confront natural disasters, guard our coasts, defend our critical infrastructure, and maintain many of our Nation's cyber security defenses.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2285

Of course, the pressure on the Department has only been heightened as a result of the ongoing security and humanitarian crisis at the southern border. The Department has to balance countless complicated missions, from defending against criminal gangs and stopping the inflow of dangerous illegal drugs to protecting victims of human trafficking and providing care for the individuals they detain.

Through all of these challenges, Secretary Nielsen provided experienced and steady leadership. Her grasp of the issues and dedication were major assets for the Department and, as a result, for our country.

My colleagues and I thank her for her service, and we wish her well.

NOMINATIONS

Madam President, this week the Senate will continue its work to move well-qualified nominees off of the Executive Calendar and to give the American people the government they elected. We will do it more sensibly and efficiently thanks to last week's action to restore order to the nominations process.

As we discussed extensively last week, the past 2 years have offered a record-setting display of how comprehensively a Senate minority could prevent a President from putting his team in place, extending even to thoroughly uncontroversial nominations.

Fortunately, last week we took a big step toward restoring the sort of productive nominations process that had once been the Senate's routine. Now it is time to move forward together. This week the Senate will be able to consider a number of the President's capable nominees to positions in the executive branch and on the Federal bench.

We will begin with Daniel Domenico, named to serve as U.S. district judge for the District of Colorado. Mr. Domenico is a graduate of Georgetown University and the University of Virginia School of Law. His well-rounded legal career includes a clerkship on the Tenth Circuit Court of Appeals, a term as solicitor general of Colorado, as well as work in private practice. I would encourage each of my colleagues to join me in supporting Mr. Domenico's nomination.

We will follow with the consideration of Patrick Wyrick, nominated to the Western District of Oklahoma; then, Cheryl Stanton, to be Administrator of the Labor Department's Wage and Hour Division; then, General John Abizaid, to be Ambassador to Saudi Arabia; and then, Holly Brady and David Morales, to serve as district judges in Indiana and Texas, respectively.

These are six more well-qualified nominees who, among them, have passed a combined 2,364 days since the Senate received their nominations. Let me say that again. These six well-qualified nominees, among them, have passed a combined 2,364 days since the Senate received their nominations. But, most importantly, they are six of

the many nominees who will receive now more prompt consideration here on 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.

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

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

RESIGNATION OF KIRSTJEN NIELSEN

Mr. CORNYN. Madam President, we learned yesterday that Secretary Kirstjen Nielsen was stepping down from her position as Secretary of the Department of Homeland Security. I just got off the phone with her and thanked her for her service.

When the Department was first established more than a decade and a half ago, we knew that this position would be a very tough one, especially in the aftermath of 9/11—the terrible terrorist attacks. We knew that protecting the American people from the growing threat of terrorism was job No. 1. The truth is that this job has only gotten tougher as time has gone by. While counterterrorism remains a central focus for the DHS, the number of missions it is responsible for, both on the ground and in cyber space, has multiplied to include a myriad of natural and manmade threats.

Since Secretary Nielsen has taken this job, she has led the Department's response through flooding and wildfires, foreign attempts to infiltrate our election infrastructure, and the growing humanitarian crisis we continue to see unfold along the southern border.

Above all, Secretary Nielsen has been a fierce advocate for the men and women at the Department who carry out these diverse missions on a daily basis. With more than 240,000 DHS employees around the world—many of them in Texas—keeping them mission-ready is one of the most important responsibilities the Secretary has, and it is one she has taken very seriously.

I have had the opportunity to work closely with the Secretary on a number of issues but in particular on attempting to find commonsense reforms to secure our border and close loopholes that are being exploited in our immigration system. I have been consistently impressed by her deep knowledge of the issues and of her steadfast commitment to finding solutions.

America is better off for her service, and I hope we will continue to find good people like the Secretary who will be willing to contribute their service to the betterment of our country. I thank her, and I wish her well in the next chapter of her life.

PRESCRIPTION DRUG COSTS

Madam President, the Senate Finance Committee will continue with hearings tomorrow on the high cost of prescription drugs. I hear a lot about this back home in Texas. Whether they

are seniors who struggle to cover the costs of the prescriptions they have been taking for years or will be taking for the rest of their lives or whether they are parents who face tough financial decisions to make sure their children receive the medications they need, their stories can be heart-breaking. I have no doubt that all of my colleagues here in the Senate and in Congress hear the same things back home from their constituents.

A February Kaiser Family Foundation poll found that nearly 80 percent of Americans believe that the cost of prescription drugs is too high, and nearly 30 percent of adults, because of the cost, report their not taking their medications as prescribed. In other words, they are self-rationing, and it can be dangerous.

Without intervention, I don't expect these prices to drop anytime soon. In fact, the Centers for Medicare & Medicaid Services has estimated that between 2018 and 2027, consumers could expect to see their prescription drug costs increase by an average of 6.1 percent each year. That is faster than the increase in doctors' visits, hospital stays, or any other aspect of healthcare.

What exactly is behind these high prices? That is exactly what the Senate Finance Committee is going to find out. Over the last few months, we have been looking at every step a drug takes when it is en route from research and development to the bottle in your medicine cabinet, and we have been asking a lot of questions along the way. We have heard from patients, health economists, and pharmaceutical companies.

We will be talking tomorrow mainly to pharmacy benefit managers, or PBMs, who are the intermediaries between the manufacturers, consumers, and health plans. They negotiate with manufacturers to secure rebates, which should lower the price of the prescription drugs for patients, but many times they do not. The size of a rebate could mean the difference between a drug's being covered by your insurance or not.

There are a lot of financial incentives in healthcare and prescription drug pricing that we need to peel back, like one would the layers of an onion, so that we will know exactly what is going on. What I find so surprising is that for as big a role as PBMs play, we know surprisingly little about how they operate.

The terms of these rebates, including dollar amounts and incentives, are cloaked in secrecy. Since there is no paper trail or standard procedure on how these rebates or discounts are determined, it is nearly impossible to follow the money. I have always told people that I am not sure why prescription drug pricing is so complex. I don't know whether it is by design or if it is unintentional, but it certainly exists. This lack of transparency for the consumer is concerning, as it should not take an advanced degree to figure out