

kids that have nut allergies. There are a lot of rare drugs for which maybe only hundreds of families understand what a price increase means. There are drugs that have constituencies who are disabled or people who aren't going to be able to basically mob the halls of Congress to make a change.

Besides that, I don't think that is how we want to make change, anyway. Wouldn't it be better if we responded in a policy way, in a bipartisan way, and simply made some changes to the policies of our government and of our country to bring down the price of prescription drugs—not just the drugs that are most famous but for all drugs.

There are many examples of why prescription drug pricing is now out of control and why we have to take action. For instance, a Wall Street Journal article reported that the price for a multiple sclerosis drug went up 21 times in a decade—21 times. No one could explain that except that it allows the company that makes that drug to profit big time.

A Stat News story reported that the price for a leukemia drug was raised four times over the course of a single year, and it now costs nearly \$199,000 a year.

We know that the price of certain insulin products rose 700 percent, accounting for inflation, in two decades. When the State of the Union happened this year, I invited a guest, and that guest was a woman named Nicole Smith Holt, and it was her son, a young man named Alec, who was a 26-year-old restaurant manager. He worked in my State. He worked hard. He was a good guy, and he was on his parents' health insurance until he was 26. When that health insurance ended, when he could not get that health insurance, he then had to pay for the insulin himself since he was a diabetic. It was \$1,200 a month. He was unable to afford his insulin. So what did he do? Sadly, he did what too many people are doing in America right now. He started rationing that insulin. He rationed that insulin, and he died waiting for his next paycheck. He was a restaurant manager in the suburbs of the Twin Cities.

His mother sat at the State of the Union, looking down at the President, looking down at the Congress, to make the point that she needed action, and in the memory of her son Alec, she was going to make sure that action happens.

Congress has a duty to act, and the President should support these efforts. Committees in the House of Representatives, for the first time, have already advanced proposals to reduce the cost of prescription drugs, and we should be moving similar legislation here in the Senate.

Yes, it is true that there are two pharma lobbyists for every Member of Congress. That is a fact, and for years they have felt that they owned Congress. That has to change. They do not own me, and they do not own the people who are speaking up today.

#### STOP STALLING ACT AND CREATES ACT

Madam President, two of the bills the House Judiciary Committee have already advanced with bipartisan support are companions to bipartisan legislation that I am leading in the Senate with Senator GRASSLEY: the Stop STALLING Act, which addresses the abuse of the FDA petition process by pharma companies, and my bill to crack down on anti-competitive pay-for-delay agreements.

In addition to these commonsense measures, the House Judiciary Committee also passed a version of the bipartisan CREATES Act, which Senator LEAHY and Senator LEE and others have led and which I have been a co-sponsor of for years, to deter branded drug companies from withholding testing samples to develop new generics.

Recently, on "60 Minutes," there was a story of the work that is being done in Connecticut in response to what is going on between the generic companies and the pharmaceutical companies. That is what these bills get at—to get products out on the market, to stop the pay-for-delay, in which Big Pharma pays off generics to keep their products off the market.

Yes, we should take up these bills. It is very important, but we must do more. We must also make sure that Medicare negotiates for prices. Right now there is literally a ban on negotiation, so 43 million seniors cannot get the benefit of less expensive drug prices. That doesn't help just 43 million seniors if we lift that ban; it also helps everyone in America because they are such big purchasers of prescription drugs that it will bring down the cost for everyone.

The other bill I noted was the one about the petitioning process that was designed to allow interested parties to raise legitimate health and safety issues related to generic drug applications, but for years branded drugmakers have filed sham petitions to delay the FDA's approval of the competing generic drugs.

Studies show that the FDA denies more than 90 percent of petitions relating to generics and that more than 10 percent of generics between 2011 and 2015 were filed by branded pharmaceutical companies. Our legislation would help to deter those who engage in sham petitioning. According to the CBO—the Congressional Budget Office—that would save U.S. taxpayers \$117 million over the next 10 years.

These are ideas that have been out there for a long time. These are things that we believe would make a major difference.

#### SAFE AND AFFORDABLE DRUGS FROM CANADA ACT

Madam President, another one I would like to mention is a bill that I first introduced with the late Senator John McCain to allow Americans to bring in certain safe, less expensive drugs from Canada. I have continued this bipartisan effort by introducing

the Safe and Affordable Drugs from Canada Act. Senator GRASSLEY has now taken the place of Senator McCain, and we have introduced that bill.

#### LIFEBOAT ACT

Madam President, finally, we should act to hold drugmakers accountable for the opioid crisis they helped to create by passing the LifeBOAT Act, led by our colleague Senator MANCHIN, who was just in this Chamber, which would establish a permanent funding stream to provide and expand access to treatment for addiction. It is only fair that the companies made wealthy from addiction be held responsible to fund a pathway for recovery. There are many options, and, alone, none of these will fix this problem. But, together, along with other legislation that has been proposed by my colleagues, we can make a difference. We can no longer pretend this is happening. It is time for us to make a dent, to bring down the cost of prescription drugs, and to stop coddling the pharmaceutical companies.

This is about, as I mentioned, Nicole and her son, whom she no longer can share time with. He has left us, but she will not let it go.

This is about Jessica, a mother whose specialty drug costs to treat her arthritis are \$50,000 a year.

This is about a woman from Crystal, MN, who told me "I am practically going without food" to pay for her prescriptions. This is happening in America.

Madam President, I note that my colleague Senator BLUMENTHAL is here, and I know that he has remarks as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Thank you, Madam President. I will be speaking in just a moment, but I understand the minority leader, Senator SCHUMER, is on his way to speak before me, so he should be here within moments.

Ms. KLOBUCHAR. While we await for Senator SCHUMER, I want to mention just a few examples of what we are talking about here with drug prices—a woman named Paula. Paula has been prescribed a treatment for her multiple sclerosis. It costs over \$5,000 a month. She has been getting copay assistance from a grant but does not know how she is going to afford it and whether she is going to be able to afford her lifesaving medication.

Julie, another example, is covered under her husband's employer plan. She currently has to pay a \$500 copay for a drug that she needs—the same drug that was once offered in a generic form for \$50, a fraction of the new cost. The generic drug has been discontinued, creating an impossible choice between paying \$500 or not filling her prescription. Because of the high cost, she goes without this drug.

Diane—Diane has an EpiPen for bee stings and is unhappy with the high cost. She says:

Now that I am retired, it is horrific how I have to buy them in a pack of two, and they cost more than before. The prices have just skyrocketed. Every year I throw away something that is so expensive that I cannot use. It is way overpriced.

Angie, from Savage, MN, is a mother, a wife, and a teacher. In May of 2018, she was admitted to a hospital, where MRI scans showed brain lesions. She was eventually discharged from the hospital and was instructed to follow up with a neurologist. She received a multiple sclerosis diagnosis. She was prescribed a new medication that is also one of the most effective drugs available today for treating MS. Payment for the expensive drug was denied.

These are just examples of the people we see every day.

I yield the floor.

Mr. SCHUMER. Madam President, first, I want to thank the Senator from Minnesota—the senior Senator—for all of the great work she has done in working to reduce the high cost of drugs for the American people.

#### THE MIDDLE EAST

Madam President, on a much different subject but a very important one—Iran and the Middle East—I have returned to the floor this afternoon amid several concerned reports about the Trump administration's position on Iran.

Earlier this week, it was reported that the administration's national security team discussed a plan that would deploy at least 120,000 U.S. troops in the Middle East. Today we learned that personnel were removed from the U.S. Embassy in Iraq. The President himself initially denied there was a plan and then seemed to confirm the reports by saying that he would "absolutely" send troops, and, if he did, "it would be a hell of a lot more than 120,000."

The news comes as quite a surprise to the American people, who have grown quite tired of wars in the Middle East, of the loss of life and fortune when there is so much that has to be done in America.

The American people deserve to know what is going on here. We are talking about not only putting 120,000 troops in harm's way in this possible deployment but also about the safety and the actions of the thousands of troops we have stationed in the Middle East right now.

So I am calling on Acting Defense Secretary Shanahan and the Chairman of the Joint Chiefs, General Dunford, to come testify before the Senate Armed Services Committee in an open setting before the end of the week. The hearings that are done in secret do not inform the American people of what is going on, and they are entitled to know because the lessons of history teach us that when things are done in secret, behind closed doors, mistakes can be made and momentum built for a course of action that the Nation ultimately regrets.

So I repeat: The American people deserve to know what is going on. If the President and Republicans in Congress are planning to take the United States into a conflict, even a war in the Middle East, the American people deserve to know that, and they deserve to know why.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I want to begin by thanking the minority leader for bringing this issue as straightforwardly and as clearly as he has. As a member of the Armed Services Committee, I demand to know from the Acting Secretary of Defense and other relevant officials why we have deployed these American military assets, including an aircraft carrier group, a number of bombers and Patriot missile units to one of the most dangerous parts of the world, where they may unexpectedly provoke act of war.

We are on a dangerous path without a strategy. We are embarked on a course of potential war without informing the Congress or the American people. We have demanded repeatedly that we be briefed, and it must be in public.

This situation has reached a point of potential conflagration. The tinderbox of the Middle East is no place to operate on impulse or whim. That is the appearance this administration has created by lacking a clearly articulated strategy for the American people to know and assess. On the Armed Services Committee, we have asked repeatedly for this kind of information, and so far the administration has refused to provide it. So this kind of open hearing is necessary to be open information for the American people, and they deserve and need no less.

#### PRESCRIPTION DRUG COSTS

Madam President, I turn now to a topic that is of great consequence to the American people for their health and their economic well-being.

As we all know and as the senior Senator from Minnesota, my great friend AMY KLOBUCHAR, has very eloquently and powerfully described, the high cost of essential medicines in this country is a national disgrace. It is immoral. For the greatest country in the world to compel ordinary Americans to choose between covering the cost of their rent and putting food on the table or paying for their medicine needed to stay alive is absolutely abhorrent and unacceptable.

The only people who benefit under the current system are the high-paid executives, whose pay is increased even more by this unjust and intolerable system. It yields them greater profit without any greater help to the American people.

It has to stop, and the good news is, we have bipartisan agreement that it must stop. After years of disagreement, we are starting to see Republicans and Democrats coming together and con-

fronting the skyrocketing cost of prescription drugs. Drug companies' price-gouging, their manipulation of their monopolistic power to raise those prices and make the industry's practices noncompetitive and to exclude even new products from coming to market—all of these abuses have become so extreme and so outrageous that there is now bipartisan consensus that we need to stop it.

I am proud today to support the Affordable Prescriptions for Patients Act. It is a bipartisan piece of legislation, and it will finally put a stop to some of the most egregious monopolistic and predatory tactics within the drug industry. These tactics would make even the robber barons of the Gilded Age blush with guilt and embarrassment for the obvious anti-consumer effects that impact the average American.

These patent abuses go by colorful names like "patent thicketing" and "product hopping," but these names obscure their very pernicious purpose. Patent thicketing and product hopping are only the tip of this monopolistic iceberg. While these terms may be unfamiliar to many Americans, almost everyone is familiar with the harmful effects these predatory practices produce.

The fault here is with the people who take advantage of shortages and market power. They exploit them in the same way that anti-trust abuses have been done over the decade, and they are the reason we have anti-trust laws. Now, to confront this even more egregious example of abuses of market power, we need these new laws.

According to one study in 2017, across the top 12 grossing drugs in America, drug companies filed an average of 127 patent applications per drug. By creating a thicket, a genuine thicket of patents around their drugs, drug companies are able to double the number of years of market exclusivity that they have before a competitor can enter the market.

During this time, these drug companies are able to charge consumers extraordinarily high prices for drugs they desperately need. If you use HUMIRA or have rheumatoid arthritis, you should be deeply concerned about patent thicketing. According to one study, the manufacturer of HUMIRA has filed 247 patents so it can exclude competitors from the market. It keeps those competitive adversaries from producing drugs and can do so for a total of 39 years. During those 39 years, the cost of HUMIRA in the future—they will do it for 39 years—is just going to keep climbing. According to reports, between 2012 and 2015 alone, the average amount that Medicare and Medicaid spent on each patient using HUMIRA more than doubled—from \$16,000 to \$33,000. Things will only get worse in the years to come.

Rheumatoid arthritis patients are hardly the only ones who should be concerned about patent thicketing. A large number of patents have been filed

to protect the market exclusivity of drugs that treat conditions like cancer, stroke, blood clots, diabetes, multiple myeloma, and macular degeneration.

Patent thickets will keep competitors off the market. It will cost consumers thousands, perhaps hundreds of thousands of dollars, each year. It isn't only the patients who use the drugs who suffer these effects; we all pay the cost of higher insurance when those insurers have to pay higher costs for drugs. It hits all of us, not just the patients who suffer from these medical conditions.

Unfortunately, this obviously anti-competitive practice is not the only way drug companies abuse the patent system to keep drug prices high. Just before the protections for their first drug expire, brand-name drug companies pull a bait-and-switch, pushing consumers onto a new, slightly different drug. That means any generic competition coming to market will struggle to penetrate the market, and consumers will be stuck with the brand-name drug for even longer, likely at a significantly higher cost. In this way, the brand-name company succeeds in gouging customers and keeping their profits growing. That is their objective—not better product, not better health, not better patient experiences, only higher profits.

One of the most famous examples of product hopping—the practice I have just described—concerns Namenda, a drug to treat Alzheimer's. This drug was produced by a company called Actavis. When Actavis originally released Namenda, it was usually taken by patients twice a day, but a number of years before Namenda's market exclusivity was going to expire, Actavis went to the FDA to approve a new version of Namenda, this one taken just once a day. A new drug? No. A different way of taking it? Maybe. To improve patient health? No. To increase profits? Yes.

Although the FDA had approved this drug in 2010, Actavis strategically waited 3 years to introduce this, with the apparent goal of extending its exclusivity in the U.S. market. Once the new drug was introduced, Actavis pushed all of its customers onto it, while pulling the old drug from the market. As a result, Actavis was able to continue charging monopoly prices on essentially the same drug long after Namenda's first patent was expected to expire.

We have reached the time to stop patent thicketing and product hopping once and for all. We have reached the time to bring sanity and fairness to the drug market so consumers can see lower prices.

I am proud to be joining with Senator CORNYN of Texas to introduce the Affordable Prescriptions for Patients Act. It will fight these abusive practices and give consumers some much needed relief from higher drug costs. I thank Senator CORNYN for his leadership. We joined in this partnership, and

it has taken many months to draft and introduce this measure. I thank his staff, as well as my own, for all of their hard work on this bill reaching this bipartisan consensus.

This legislation will embolden and encourage our anti-trust forces to pursue pharma companies that are getting away with anti-competitive practices. It will also give clear guidance to our courts to allow them to quickly and easily distinguish between product hopping and patent thicketing from truly innovative, truly inventive conduct that benefits patients.

This legislation makes sure that any company caught redhanded engaging in these harmful practices will have to pay and be held accountable.

This legislation will also lower healthcare costs for millions of Americans by increasing competition in the market. If we pass this legislation, millions of Americans may no longer have to choose between food on the table, their rent payment, and the medicine they need and deserve. That is a choice no one should ever have to make in the greatest country in the history of the world.

We cannot allow drug companies to continue their monopolistic practices and predatory abuses that only increase the profit of those companies. We cannot allow those drug companies to reap massive personal benefits for their executives, while Americans are struggling to make ends meet. I urge the Senate to immediately take up this legislation to protect American patients today.

I happily yield the floor to my colleague from Minnesota.

**THE PRESIDING OFFICER.** The Senator from Minnesota.

Ms. SMITH. Madam President, I rise today to join Senator KLOBUCHAR and my colleagues on behalf of all Minnesotans and Americans who struggle to afford their prescription drugs.

The increasing price of prescription drugs is a top concern for Americans and Minnesotans. Every day, companies are launching new treatments at astronomical prices, and they are spiking the price of older drugs, like insulin. Americans are taking notice of this greedy behavior that puts patients last.

The No. 1 issue I hear about from Minnesotans is the cost of healthcare and specifically the cost of prescription drugs. Every day, Minnesotans inspire me to fight to lower the price of prescription drugs. Minnesotans like Rachael Malmberg, a military veteran with cancer.

Before Rachel battled cancer, she battled teams on the ice, playing hockey for the University of Minnesota and the U.S. Olympic Team. Rachael's daily medicine is stabilizing her cancer, but it comes at a great cost. Even with health insurance, she still pays \$9,000 a month. For Rachael, affording her prescription drugs is a matter of life or death.

I have also talked with Minnesotans like Nikki Foster, a mom living with

multiple sclerosis in Brooklyn Park, MN. Nikki received her MS diagnosis only 3 months after running her first half-marathon. The diagnosis was frightening, and Nikki wondered if she would ever be able to run again. I am happy to say that 4 years later, Nikki is walking and running just fine. Her progress is due largely to the treatment regimen her doctors prescribed. However, with the rising price of her primary medication, Nikki wonders how long she is going to be able to afford it. When her medication was first introduced to the market in 2004, the price was around \$16,000 a year. Today, it is more than \$80,000.

Without significant changes in the formulation of her medicine, the price has skyrocketed 440 percent. Those higher prices translated to higher monthly costs and a constant source of worry for Nikki.

Finally, I am inspired by the memory of Alec Smith. Here is Alec's story. Alec transitioned off his mom's health insurance at age 26. He was a type 1 diabetic, so he depended on insulin to survive. Without insurance, Alec faced a \$1,300-a-month cost for managing his diabetes. Most of that was driven by the high price of the insulin. Alec had a good job, but his diabetes treatment was eating up nearly 45 percent of his monthly salary, and that is on top of regular expenses for food and rent and other basic necessities. So Alec did what he had to do. He rationed his insulin to make ends meet. Unfortunately, less than a month after his 26th birthday and less than 1 month after he transitioned off his mom's insurance, Alec passed away. He was the victim of insulin rationing.

Colleagues, we are at a crisis point. Thousands of people like Alec are rationing their prescriptions so they can afford them, and sometimes they are literally paying with their lives. Patients with health insurance, like Nikki and Rachael, are facing higher and higher out-of-pocket costs, and seniors are being forced to choose between paying for groceries and paying for their medicine.

In the wealthiest country in the world, this is unacceptable. It is morally wrong that the pharmaceutical companies are raking profits off of skyrocketing prices while Americans struggle to pay for their prescription drugs. That is simple to understand, but the industry would have you believe otherwise.

Their first argument. Well, drug pricing is so complex; it is impossible to understand; and Congress should study the problem. I would argue this complexity serves a function. Complexity obscures all the ways the drug companies are gaming the system to drive up profits. Colleagues, we can't be paralyzed by complexity. We need to create more transparency in drug pricing.

So then the pharmaceutical companies come back with their second argument. They say high prices are the result of altruistic purposes, like investing in research, development, and innovation, but, colleagues, remember, it is taxpayers, not drug companies, who are subsidizing the basic research that leads to innovation and new cures through the National Institutes of Health. Innovation can't help people if it is too expensive to afford.

So then comes their closing argument. We aren't the problem, say the drug companies. It is the PBMs. It is the insurers. It is everybody else but us. I would argue that everyone has a role to play. Lots of companies profit from high drug prices all along the supply chain. That needs to be fixed, and all of these players need to be held accountable. Pointing fingers and shifting blame will not bring down high drug prices. Comprehensive solutions will.

In the coming weeks, I will be reintroducing the Affordable Medications Act, which is a comprehensive solution that targets the multiple causes of the skyrocketing price of prescription drugs, and a number of my Democratic colleagues are working with me on this bill. It would increase transparency and hold pharmaceutical companies accountable for their role in setting high prices. My bill would make prescription drugs more affordable by allowing Medicare to use its buying power to negotiate lower prices, just like we already do with the Department of Veterans Affairs.

My bill goes further by penalizing drug companies that spike prices and allowing for the safe importation of lower cost drugs from other countries like Canada. My bill would spur innovation by creating a fund for new antibiotics and funding for clinical drug trials, and it would protect competition by blocking unfair, anticompetitive drug monopoly practices. This bill would eliminate the blame game and put patients at the center of the solution.

Now, I recently introduced bipartisan legislation with Senator CASSIDY to help bring low-cost biosimilars, like insulin, to the market. I am working to reintroduce legislation that would limit the ability of the big brand name drug companies to keep lower cost generic drugs off the market.

Many of these proposals have bipartisan support. Many more should, but we haven't brought any of these bills up for a vote in the Senate. I urge my colleagues to take up these proposals and the drug pricing bills making their way through the House right now as we speak. Alec, Nikki, Rachael, and all of our constituents don't have the luxury of waiting for Congress to break through legislative gridlock until they can afford what they need to live.

Thank you, Senator KLOBUCHAR, for drawing attention to this issue and for inviting me to join with you today.

I yield to my colleague from Virginia, Senator Kaine.

**THE PRESIDING OFFICER.** The Senator from Virginia is recognized.

Mr. KAINES. Madam President, I rise with my colleagues to just tell stories I am hearing from Virginians. Having completed a campaign last November, I was out doing a lot of listening and have continued to do a lot of listening since then. In your own mind, you kind of categorize the stories, and, first, above all else, are stories about healthcare. I hear stories about a lot of things, but I hear stories about healthcare probably as much as all other areas combined. In the area of healthcare, the issue of the price of prescription drugs is No. 1.

Hundreds of Virginians have reached out to me to let me know about the high cost of prescription drugs and how that affects not only their health but even their ability to put food on their table or a roof over their heads. Today I want to share some stories from Virginians and then talk about some commonsense legislation and a present opportunity to bring drug prices down.

Andrew from Great Falls shared this story with me. His father was being treated for CML, which is a leukemia that is effectively curable, and he was prescribed the drug Gleevec. Now, this story goes back a little bit, and here is what Andrew said:

In the United States, Gleevec costs approximately \$159 to manufacture for a year's dose.

That is the manufactured cost.

In India, a generic version of this drug costs about \$400 a year to purchase for use. In Canada, the price is around \$8,800 a year for a generic of the drug, and \$38,000 a year for the branded drug. In the United States, there is no available generic, and the brand name drug's marketing cost is \$146,000 a year. This is not a drug that consumers can simply choose to take or not take—to be blunt, they will . . . literally die of cancer if they don't take it.

Now, since Andrew wrote me the letter, a generic has been approved in the United States that has provided him and other families relief, but for a long period of time, \$146,000 in the United States for a drug that costs \$159 to manufacture, and the price to patients in other countries is dramatically less.

Daniel from Martinsville in Southern Virginia wrote to me about the high price of insulin, which is a common theme, I know, for all of us here with constituents.

He writes:

I paid \$505.00 for 3 bottles of Humalog Insulin . . . at Walgreens. This is a three month supply, but another Eli Lilly insulin is required by my wife in order for her to avoid death [and that is hundreds of dollars more].

Laurie from Norfolk wrote to me to share her story. Laurie has rheumatoid arthritis, and she lives on Social Security. She writes:

The drug company wants \$65,000 for the drug. With my Medicare part D, they only want \$8,000—[that is good, but that is] over 1/3 of my annual income [as a senior on Social Security for one drug]. I have applied for the drug companies patient assistance program [because] the pain is too great. I can't use

my hand without the drug. The drug companies are getting away with robbery. We need Medicare to have the authority to negotiate drug prices.

Ron from Arlington, just across the Potomac, wrote me after he went to renew a prescription he had been taking for more than a year.

That is an outrageous increase of 100 percent or \$100 more out of my pocket for exactly the same thing [every time I buy it]. I am a retired federal employee on a limited income and I am locked into this insurance plan for the rest of the year. So I have to take \$100 more out of my pocket to obtain the exact same thing.

Every time he buys it, 100 percent increase in the price.

Marie from Virginia Beach wrote me about a drug that costs \$375,000 a year. She writes:

Without the drug I most likely will be bedridden. I cannot afford the exorbitant price. . . . I recognize the recovery cost of research is the main expense, since manufacturing cost is extremely cheap, but when the sufferers cannot afford your drug, then what have you gained?

Medicare is prohibited from negotiating the price of prescription drugs. Medicare Part D enrolls over 43 million seniors nationwide, giving the program incredible bargaining power if it could only be used for their benefit.

Many seniors are on fixed incomes. The average senior gets Social Security. Their median income is \$28,000, so an \$8,000 drug cost is one-third to a quarter of their income. In the wealthiest Nation in the world, seniors should not have to choose between paying for their medication and putting food on the table or heating their home. So many of these seniors tell me about getting medication and then thinking: If I cut the pill in half and just take half a dose, maybe I can save some money—but that then comes at an incredible reduction in the efficacy of the prescription you are taking to control your healthcare condition.

This is why I joined with Senator KLOBUCHAR, and I appreciate her organizing this group of us on the floor today, to introduce the Empowering Medicare Seniors to Negotiate Drug Prices Act, which allows Medicare to negotiate drug prices. This is simple, basic, best business practice. Everybody will negotiate prices. Why should we bar the Medicare Part D Program that provides a prescription drug benefit to 43 million people—why should we bar them from negotiating for drug prices?

According to a recent analysis, Medicare would have saved \$14.4 billion. That is billion with a "b." Medicare would have saved \$14.4 billion on just 50 drugs in 2016 if the program had paid the same prices as the Department of Veterans Affairs, which is allowed to negotiate. That is a whole separate level of absurdity. Why would we, as Congress, allow the Department of Veterans Affairs, as they buy these same drugs from the same manufacturers, to negotiate and get a volume discount but tell the Medicare Program they

can't? We actually know how much money we would save because of allowing the Veterans Affairs Department to negotiate, which they should be able to, but why would we then handcuff Medicare Part D and not allow them?

If Medicare would have saved \$14.4 billion just in those 50 drugs in 1 year, that is \$14.4 billion that could be used for better healthcare, the deficit reduction, tax relief, Pell grants, education expenses. There is also a savings not just to Medicare but to patients that would also be in the billions.

Every corner pharmacy negotiates the price of prescription drugs. Every Walmart does. When they are buying prescription drugs to sell in their pharmacy, they negotiate based on volume. It makes no sense that the Federal Government is not allowed to do the same thing.

Another area is biologic medicines. They represent a new and very promising area of treatment. I do want to stop here and say I am not one of these people who use a big broad brush and say pharmaceutical companies are bad. Why are we living longer? Why is the average age going up and up and up? It is going up and up and up because of better medical care, and much of that medical care and improvement is innovation in the pharmaceutical industry, so I am not on a campaign to say pharmaceutical companies are bad. They are producing lifesaving prescriptions that are easing suffering and prolonging life. It is just that the price Americans pay for those drugs is so far out of whack with what other nations do, and one of the things that is innovative, that is great is biologic medicines.

When competing products—they are called biosimilars—attempt to enter the market, they often find it impossible to navigate the thicket of patent laws that protect the branded product because they lack access to readily accessible information. So when biosimilar manufacturers are able to uncover the web of patents, expensive litigation too often results in patents being found to be invalid or unenforceable.

That is why I joined with Senator COLLINS from Maine on a second bill to introduce the Biologic Patent Transparency Act. Our bill promotes patent transparency by requiring manufacturers of approved products to disclose and list patents covering their products with the FDA in what we call the FDA Purple Book. The legislation encourages manufacturers to apply for patents sooner, allow prospective biosimilar manufacturers to challenge weaker or invalid patents earlier in the product development process to eliminate waste, and the legislation will help us bring needed biosimilar treatments to patients faster and ultimately help lower drug prices.

Finally, a word about insulin. Over 30 million people—that is like the combined population of about 19 or 20 States—live with diabetics in the

United States, and insulin is a critical and life-sustaining daily treatment for 7½ million of those people. Yet, between 2012 and 2016, spending on insulin nearly doubled, even while there was little change in the actual use of insulin. So what explains that?

The price hikes we have experienced have caused Virginians who need these drugs, whose stories I have indicated, to endure severe financial hardship, ration their supplies, or even skip the needed medication.

In February, I joined all my Democratic colleagues on the Health, Education, Labor, and Pensions Committee, where I sit with Senator SMITH, who preceded me, and we sent a letter to three insulin manufacturers requesting information about recent price increases, how the revenue contributes to research and development, and what companies are doing to help patients access affordable insulin.

In closing, I said there are not only good ideas in Senator KLOBUCHAR's bill and in others, but there is also a good time. In the Health, Education, Labor, and Pensions Committee, our Chair, Senator ALEXANDER, and our ranking member, Senator MURRAY, have indicated that one of the bills we want to work on this year is a bill of single-shot strategies to reduce medical costs. It is not going to be the rewrite of the healthcare system. Senator ALEXANDER and Senator MURRAY were heard to describe that if we can do a bill with a series of singles, that would be a very good thing. So we will work together as colleagues to come up with a series of strategies that could bring healthcare costs down, and we have an opportunity in this bill to have some of those provisions deal with provisions just like those I have described that can reduce the cost of prescription drugs.

I am proud to join my colleagues to share stories of Virginians. It is probably the single-most frequent complaint I hear, and it is a complaint we can do something about.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Minnesota.

Ms. KLOBUCHAR. I thank the Senator from Virginia for his thoughtful remarks and the Senator from Connecticut, Mr. BLUMENTHAL, as well as Senator SMITH, my colleague.

The time for action is now. We have all cited numerous examples of people who, literally, are taking drugs that, in the case of insulin, was \$17 a vial and is now \$1,213 a month. That is simply outrageous. We have people who can't afford drugs that they used to just take as commonplace, and there were no changes made.

So for me, a lot of this is what happens when you have monopolies, what happens when you don't have competition. So the answer is to look at all of the measures we could take to ensure that there is better price negotiation and more competition. One of them, as Senator Kaine mentioned, is Medicare

negotiation, unleashing the power of 43 million Americans. That is a lot of people. Seniors are good at getting deals. That is 43 million people. Yet they are banned from negotiating with Medicare to get better deals for themselves. That should change.

We need less expensive drugs from other countries—safe drugs. That would certainly create more competition. We had bipartisan support for a proposal like that. Senator GRASSLEY and I have the bill that would take one country, Canada. In Minnesota and in the Presiding Officer's State of North Dakota we can see Canada from our porch. The point is that we see those less expensive drugs right across the border. We should be able to have that competition.

Then, look at the CREATES Act and some of the other ways of stopping pay-for-delay and stopping, as Senator BLUMENTHAL was describing, these patent abuses to try to make sure we have more competition. I think there is starting to be general agreement on this issue that we have to take on these pharmaceutical prices. The time for describing the problem is still here because it seems like some of our colleagues don't get it, but the time for action is certainly now.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### NATIONAL POLICE WEEK

Mr. MORAN. Mr. President, this week, as we know, our Nation observes National Police Week, a time when we pay tribute to our law enforcement officers, especially those who died in the line of duty. Today I rise to honor their dedication and their significant and tremendous sacrifice.

On Monday evening, thousands of people gathered on the National Mall to pay tribute to the 371 officers who gave their lives in the line of duty. Four officers from Kansas were among those memorialized on Monday.

Last June, Wyandotte County sheriff's deputies Theresa King and Patrick Rohrer were shot and killed while preparing to transport a prisoner. Theresa King joined the Wyandotte County Sheriff's Office in 2005. A working mother of three children, Theresa, or "TK," was known for coming to work every day with a smile and a willingness to help out in any way that she could. She is a founding member of the Kansas City-based Lancaster-Melton Peacekeepers Civitan Club, a group of law enforcement officers and their families dedicated to honoring slain officers.

Patrick Rohrer, a husband and father of two children, joined the Wyandotte County Sheriff's Office in 2011. Patrick was known as a dedicated deputy that never lost his sense of humor and often peppered his colleagues with his favorite "Star Wars" quotes. He was also known for his competitive spirit.

Patrick had been a varsity letterman on the swim team at Shawnee Mission

Northwest High School. His family's motto became "Keep on Swimming."

I will echo Wyandotte County's Sheriff Don Ash's words in memorializing the deputies: "Theresa and Patrick were heroes in every sense of the word" when they put "their lives between a cold-blooded killer and the citizens they swore an oath to protect."

In September, Deputy Sheriff Robert Kunze of the Sedgwick County Sheriff's Office was fatally shot during an encounter with a suspect in a stolen vehicle. He, too, was a husband and father who had served with the Sedgwick County Sheriff's Office for 12 years and had previously served with the Shawnee County Sheriff's Office for 6 years.

Robert Kunze's impact on the department was made apparent when Sedgwick County's Sheriff Jeff Easter referred to his death as the loss of a "family member." Robert was known as an exceptional law enforcement officer and has been remembered by his colleagues as having a contagious laugh that always made others feel welcome.

This year we also memorialized Jefferson County undersheriff George Burnau, who died in the line of duty on April 29, 1920. His dedication set an example for generations of law enforcement officers in Kansas and around the country, those that followed him.

I would like to honor one additional law enforcement officer who is serving on my staff as a Department of Justice fellow. ATF Special Agent Matt Beccio has become an integral part of our team over the past year, giving sound advice on issues relating to Justice and traveling to Kansas to meet with local law enforcement officials. His firsthand enforcement experience and passion for bettering the lives of law enforcement officers across the country have been tremendous assets to our office. This week Matt led members of my staff in participating in Police Week's 5K memorial run alongside Kansas law enforcement and their colleagues from across the country.

Thank you, Matt, for your dedication and for using your role in our office to better support your colleagues in law enforcement.

During National Police Week and throughout the year, we are reminded that law enforcement needs our support. We must provide them with the resources they need to do their jobs. As chairman of the Appropriations Subcommittee that funds the Department of Justice and, particularly, those law enforcement grants, I am committed to doing so.

We know we must provide the tools that law enforcement needs to build and strengthen the bonds of trust with those they serve and provide our best efforts to address the underlying challenges and the challenges of our society and of our country that face each and every community.

We honor the service and sacrifice of our Nation's fallen law enforcement officers, not only for the sake of those

who have departed but as a reminder to all of us that remain.

May God bless our law enforcement officers and protect them from harm as they faithfully perform their duties each and every day.

#### 65TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

Mr. President, on the of 65th anniversary of the Supreme Court decision on Brown v. Board of Education, I rise to pay tribute to the Topeka, KS, families, led by the Browns and all Kansans who took part in challenging the injustice of racial segregation.

For 60 years, leading up to Brown, much of America adhered to the Supreme Court ruling in Plessy v. Ferguson that established the doctrine of "separate but equal." However, when applied to school buildings and the education of our children, nothing about it was equal.

In 1951, Linda Carol Brown was in the third grade and would walk six blocks to a bus stop that would take her to Monroe Elementary, more than a mile away from her home, despite the fact that Sumner Elementary was seven blocks from her home. Even after repeated applications for attendance at the neighborhood school, the Browns and other families were rejected. They were rejected because of the color of their skin.

In that year, 13 parents, led by Linda's father Oliver, filed suit against the Topeka Board of Education on behalf of their 20 children. Combining other cases throughout the country, Thurgood Marshall argued on their behalf before the U.S. Supreme Court—the Court that he would later join as a Justice.

On May 17, 1954, the Supreme Court unanimously issued its landmark decision announcing that Plessy's "separate but equal" doctrine violated the Fourteenth Amendment. While full integration would take years to accomplish, the events set in motion by these determined parents were irreversible, and they are worthy of our respect and honor today.

Nowhere was this truer than in the city where it all started. Before the case had even reached the Supreme Court, the Topeka Board of Education began integrating its primary schools.

Kansas had its pre-Civil War bloodshed to determine whether the Territory would enter the Union as a free State or slave State, and Wichita was home to one of the first sit-ins to integrate drugstore lunch counters. But it is Brown v. Board of Education that is our State's greatest connection to the Nation's pursuit of racial justice.

That these events happened in Kansas reflect the imperfect history of our State and of our Nation, but also the resolve of individual Kansans and national organizations like the NAACP to right wrongs and to make "a more perfect union," as our Constitution contemplates.

On this anniversary of Brown v. Board of Education, we remember the

legacy left behind by Linda Brown and her parents. Linda Brown just passed away last year, and we honor her, her family, and all those involved in the civil rights movement.

This legacy is one that requires all Americans—each of us—to uphold the self-evident truth that all men and women are created equal. Let us remember the legacy of Brown v. Topeka Board of Education, and in doing so, I ask every American to commit to racial justice and equal opportunity.

#### DISASTER RELIEF

Mr. President, I rise to speak about the devastation I have seen as I toured flooded areas of Kansas, as well as parts of Missouri, Nebraska, and Iowa, and the need for Congress to pass a disaster bill to provide assistance to impacted agricultural producers.

Kansas farmers and ranchers have endured several challenging years. Since 2013, net farm income has been cut in half due to low commodity prices. The flooding across Kansas and the Midwest has been one more setback in the long list of challenges facing our farmers and ranchers.

In the days following the worst flooding, I visited areas of Kansas that were underwater. I saw farm ground that cannot be planted or put into use until significant time, effort, and resources are invested in restoring that land. Continued rainfall across the State and region has threatened to cause additional flooding in many areas as well as delayed planning for many farmers.

It is important and it is necessary that Congress meet the challenge of providing assistance to those producers, many of whom lost everything. As negotiations continue on a disaster bill, I would like to highlight the importance of providing funds for the Emergency Conservation Program and amending the current disaster program to help cover the cost of lost stored grain.

The Emergency Conservation Program was authorized to help producers restore land damaged from natural disasters, including floods. Kansans are, unfortunately, familiar with ECP as a result of assistance our State received to help rebuild fences following the devastating wildfires of 2017 and 2018. However, this program does not currently have sufficient funds to cover producers impacted by this year's floods.

I asked Secretary Perdue about the ECP budget shortfall at a recent Ag Appropriations Subcommittee hearing, and as expected, he gave his full endorsement and support for Congress to provide funds for ECP in this disaster bill. Secretary Perdue recognizes that funds must be provided to ECP and other ag disaster programs to help producers restore damaged land and remove flood debris. Congress must also provide assistance to producers who lost stored grain due to floods.

Oftentimes, the farmer's income or revenue is not money in the bank but instead grain stored in a bin waiting to

be sold. With market uncertainty due to trade disputes, farmers have more grain in storage than usual, waiting for prices to increase. When that grain is wiped out by floods, it is similar to the family's savings account being drained of its cash.

Currently, disaster programs are not equipped to help these producers who lost a year's worth of work and income when their stored grain was damaged or destroyed. Congress has the opportunity in the disaster bill to give USDA the authority to cover the loss of stored grain and to help these producers get back on their feet.

While faced with these great challenges, farmers and ranchers continue to provide the food, fuel, and fiber to our Nation and the world. Agriculture is one of the most demanding ways of life. It is full of uncertainty, but it is also a very noble calling.

It is imperative that Congress pass a disaster bill to help producers who lost goods to floods and other disasters and to make certain farmers and ranchers across the Nation know that we appreciate what they do to provide for our Nation.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**MR. CARDIN.** Mr. President, I would ask unanimous consent that Senator PORTMAN and I be recognized for up to 25 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### RETIREMENT SECURITY

**MR. CARDIN.** Mr. President, shortly, I am going to be joined by Senator PORTMAN. The two of us have been working for well over a decade on retirement savings issues. When both of us were Members of the House of Representatives, we worked on pension legislation together. It was unusual at that time to have a Democrat and a Republican working together.

There was a great deal of discussion about tax reform at that time, and it seemed like neither the Democratic nor Republican leadership was interested in dealing with retirement savings at that point. Yet Congressman Portman and I joined forces, recognizing the need to strengthen retirement savings in this country. We authored a bill known as the Portman-Cardin bill. It was more of a process than it was legislation. We brought all stakeholders together, and we sat around, listened to each other, and came to a consensus bill that was enacted into law and made permanent. It provides greater portability among the different pension plans in this country, recognizing that employees were shifting jobs, and therefore it was necessary for them to be able to protect their retirement savings.

We looked at increasing the amount of money that individuals could put away for retirement. One of the provisions provided for catchup for people over 50 years of age because we recognized that people—particularly

women—who entered the workforce at a later time didn't have as many years to put money away for retirement savings.

We simplified the retirement plans so that small companies could establish a pension plan and have safe harbor, so it was not as complicated to set up pension plans.

We established a saver's credit. We did that because we recognized that the Tax Code itself wasn't necessarily a great enough incentive to get younger and lower wage workers interested in participating in a retirement plan. We found that if an employer put money on the table, most employees would opt to join that pension plan. Witness the Thrift Savings we have here as Federal employees.

We recognized that a lot of the smaller companies didn't offer those types of plans. So we developed the saver's credit, which allowed lower wage workers to be able to get government help with putting money away for their retirement.

Quite frankly, the law that was passed back then did dramatically help the number of people who participated in retirement savings. We also included an automatic enrollment feature, and that also helped dramatically increase the number of people participating in retirement savings.

I give that as background because Senator PORTMAN and I have joined up again in the Senate in an effort to build on the success we had over a decade ago.

We had a hearing this past week, and in that hearing, we brought up the fact that several provisions that Senator PORTMAN and I had been working on are included in the recent legislation, which is legislation that had passed the House of Representatives and passed the Senate Finance Committee in the last Congress and the chairman and ranking member of the Senate Finance Committee have filed in this Congress. That includes many important provisions to improve retirement savings.

We hope that bill will be considered on the floor very shortly. We want to get that done. Yet we recognize that we need to go further than that. For that reason, Senator PORTMAN and I have introduced the Retirement Security and Savings Act this year, and it includes many important provisions. It deals with the fact that we have yet to fully accomplish what we need to for retirement savings.

According to a 2019 GAO estimate, 48 percent of those who are near retirement age—those over 55 years of age—have no retirement nest egg, and 29 percent have no savings or pensions.

Since the great recession, personal savings rates in this country have been flat.

Access to employer-sponsored plans and participation are still at way too low of a rate. For private sector workers, 68 percent have access to plans, but barely over 50 percent actually participate in plans. For part-time workers,

the numbers are much lower—only 39 percent have an opportunity and only 22 percent actually participate in plans. For small businesses, only about 50 percent provide retirement access to their employees, and 34 percent participate. In the lowest quintile—those at the lowest incomes—44 percent have access to retirement savings through their employment; yet only half that number actually participate.

The urgency of this is really underscored by the fact that we have now gone from a landscape that included mostly defined-benefit plans where the employer had a plan for you, that employer took the risks, and you had a guaranteed benefit when you retired—you didn't have to think about how much money you put away because your company was protecting you on retirement with a defined benefit. We have gone from a defined-benefit world to a defined-contribution world.

I am going to yield at this point to Senator PORTMAN to go over the provisions we are including in the Portman-Cardin bill. I believe we will have time, and I will come back and comment on some of the particular provisions.

I want to compliment Senator PORTMAN for his longstanding commitment to dealing with this national need. America's economy is strong, but it is not strong on personal savings and retirement savings, and we need to do better. It has been a pleasure to work with Senator PORTMAN in regard to these issues.

**MR. PORTMAN.** Thanks to my colleague from Maryland for yielding to me. It is great to be back on the floor with him talking about retirement savings.

Back in 1996 and again in 2001 and 2006, we passed legislation while we were in the House of Representatives together to encourage people to save more for their retirement by providing more incentives, such as increasing, as an example, the amount you could put aside in a 401(k) or an IRA and catchup contributions and simplifying the rules for small businesses, and we made some progress.

Those legislative initiatives resulted in about a doubling of 401(k) assets and about a tripling of IRA assets but still way too little in savings. Senator CARDIN talked a little about that. Our national savings rate is a problem. Our personal savings rate is a problem. Our economy would be stronger if we had more savings.

The real problem is that people just aren't saving enough for their retirement. Social Security is an absolutely essential safety net. Everybody wants to be sure it will be there into the future. But it is tough to live on your Social Security benefit alone. People need that private retirement savings.

We want to encourage people to save more for their own retirement. What is more important than peace of mind in retirement, knowing that you have the ability to take care of your needs—maybe long-term care needs, maybe

healthcare needs, or maybe just being able to have a comfortable retirement. This is something we are focusing on again.

The Senate did recently pass legislation that helps. It is called the RESA legislation. We both support that strongly, but our legislation builds on that and expands it pretty substantially. Senator CARDIN just talked a little about it. It is legislation that we spent 18 months developing.

We heard from stakeholders all over the country. There is a reason that a lot of people are supporting this legislation, including the AARP, the chamber of commerce, and a lot of people who are in the retirement business—the American Benefits Council and others—because we took our time and went to them and said: Hey, what do people really need right now to expand their choices in retirement to be able to save more?

We came up with four or five different challenges in our current retirement system and then specific proposals to address those.

One is, we have an aging baby boomer population—I am among them, and I think all three of us are, Mr. President—that is not saving enough. That is a concern.

Second is a lack of access to employer-sponsored plans. We want everybody who is in the workplace to have access to a 401(k). Yet, when we look at this, particularly with smaller businesses, a lot of people don't have access or a chance to save.

A 401(k) is great because the employer typically puts in a match for you. So it is not just your money that is at a tax advantage, but, unlike an IRA, the employer puts in a match, and usually they help you with your decisions in terms of what kinds of investments to make with that 401(k).

Third, we found that typically with lower income Americans, there was a real issue with the amount of savings. Who needs money more in retirement than lower income Americans, because that is when they don't have other savings to help them through retirement.

Again, all of this is predicated upon the reality that we are living longer as Americans, longer and healthier lives, so we need more of those assets in retirement.

The final one is inadequate lifetime savings. A lot of people have a 401(k) or an IRA, and when they stop working, they think, this is great. They take the lump sum and maybe spend some of that—maybe buy the boat, maybe go on a nice vacation—and suddenly find, oh my gosh, I am living longer and longer. I hadn't expected to be in my nineties and still here. Yet the trend right now is that people are living longer. We have to ensure that there is longer lifetime savings as people are living longer and healthier lives.

After 18 months working with all these troops on the outside, we came up with 57 different provisions to address these four areas. How do we do it?

First, it allows those who saved too little to set more aside for their retirement.

For seniors—people who are over 60 years old—we have a special catchup contribution. If you are over 60 years old, under our legislation, you have the opportunity to put more aside in your retirement plan. That is important. Contribution limits go from \$6,000 to \$10,000 for workers over age 60 with a 401(k).

Senator CARDIN talked a little about this, but among these baby boomers, based on a 2019 GAO report this year, nearly half—48 percent of all retirees over the age of 55 have no retirement nest egg saved. Some may have a public pension, for instance, but still, when you add that in, 30 percent have neither private retirement savings nor any kind of pension benefits that they are going to get in the future. You have a lot of people out there with nothing. This will help with regard to those individuals.

We also say that with regard to this first issue, it is not just being able to make a catchup contribution, but we tell employers: If you set up a plan that allows you to match 6 percent of pay rather than 3 percent of pay, we will give you a break from some of the onerous retirement rules in a safe harbor.

That will encourage more of those employers to do that. That provides a tax credit to those employers who offer these safe harbor plans. So it gives more generous benefits to employees. We think that is appropriate to help save for retirement. It also helps employees who are struggling to save for retirement and pay off student loan debt, people who are saying: I would love to save for retirement, but how can I do that when I have this student loan debt to pay off?

In Ohio, by the way, the average debt for someone coming out of a college or university is \$27,000. A lot of people don't have enough disposable income to say: I am going to save for retirement and pay off college debt.

What we do here is we say that employers will now be able to make a matching contribution to the employee's retirement account in the amount of his or her student loan payment. So employers can do this. It is a good way to help people pay off their debt, to help the individual pay off their debt. The employer putting a match in for the same amount is also a good way to attract employees. If you are a business owner out there, you will like this because it will give you an advantage in the marketplace by saying: Hey, come work for me. We will help you on your student debt.

The second issue we talked about today is with regard to small businesses. This is important because we know that this is where most people work who don't have access to retirement plans. They work for smaller businesses. Bigger businesses tend to offer retirement plans, very generous

ones. The smaller businesses tend not to.

The Bureau of Labor Statistics survey that Senator CARDIN talked about earlier shows that 68 percent of private sector workers have access to employer-sponsored plans, but it drops to only 49 percent for small businesses. So, if you work for a small business, it is less than half. By the way, it is only 39 percent if you are a part-time worker, which we also address.

The bill takes a number of important steps to help small businesses offer 401(k)s and other retirement plans for the workers. It increases the current law tax credit that is already out there, but it improves it and increases it from \$500 to as much as \$5,000 for small businesses that are starting new retirement plans. It simplifies top-heavy rules for small business plans to reduce the cost of enrolling new employees. It also establishes a new 3-year, \$500-per-year tax credit for small businesses that automatically reenroll all of the participants in the plans at least once every 3 years. This is one of the issues out there. If you don't do auto enrollment—in other words, opt in—and you opt out, you are not going to get the participation rate you want.

By the way, this is legislation that Senator CARDIN and I promoted back in the 2006 legislation that said to employers: Hey, you can do an auto enrollment. The participation then went from 75 percent to about 95 percent because there was auto enrollment. It is good for younger people. If you are just told “Hey, unless you do something, you are going to automatically be enrolled in this 401(k),” that really encourages them to get into retirement savings. All of that is to help these small businesses, and we think it is going to make a big difference.

Third, one of the big problems we face is that plan participation rates for low-income workers are well below what they are for others. So this bill expands access to retirement savings plans for hard-working, lower income Americans. The way we do that—and Senator CARDIN is the expert on this—is to ensure that those people who are of low income have the ability to get into retirement plans with matches. That will incentivize them to get in. Only 22 percent of low-income workers participate in retirement plans today. Again, these are people who need savings the most.

The bill expands what is called the saver's credit. It expands the income thresholds to give more Americans access to increased credit amounts. It increases the government match for low-income savers with a saver's credit. By the way, the saver's credit goes directly into the retirement accounts. I think it is important because you don't want this money wasted, and you don't want it used for other purposes—so-called leakage in retirement accounts. This goes right into retirement accounts. We mentioned that only 39 percent have plans but, again, that only 22

percent participate. So this is important.

It also expands the eligibility of 401(k)s to include part-time workers. This is very important to the AARP and others out there who are looking at these part-time numbers and saying: Oh my gosh. There are only 22 percent who participate. That is it. So we have to do more there. It allows part-time workers who complete between 500 and 1,000 hours of service for 2 consecutive years to be able to join in with a 401(k).

These provisions are all designed to help particularly low-income Americans start to build nest eggs for retirement.

A significant challenge we face—again, as I said earlier—is this lack of lifetime savings. Our bill provides more certainty and flexibility during Americans' retirement years.

Last year, a study by Northwestern Mutual found that 66 percent of Americans believe they will outlive their retirement savings. So two-thirds of Americans are saying: I am going to live longer than my retirement savings. By the way, they are probably right. People are living longer and healthier lives and are running out of their retirement savings. It is a major concern.

We have a number of initiatives to try to provide more certainty and flexibility to seniors in their retirement years. Specifically, the bill increases the age for the required minimum distribution from age 70½, which it is now, to 72 and to 75. So it takes it up to 75 years old. Why is that important? For those of you who are not in retirement, you may not know there is a rule that says you have to start taking your money out of retirement at 70½. Now, if you are like my father, who was working full time at 70½, it was a head scratcher. Why should I take my money out of my 401(k) when I am still working? I ran into a guy like that last weekend in Ohio who said the same thing—that this makes no sense.

What we have said is, OK, we are going to kick it up to 75 years old but that if you have less than \$100,000 in your retirement account, you will not be subject to the minimum required distribution rules at all. This is a great relief to a lot of seniors who are trying to save that money for retirement and don't want to pull it out because, although they may work until 75, they still know they are going to have another, maybe, 20 years to live, and they want to be sure they have that retirement savings in there.

I am really excited about all of these provisions.

I am hearing a lot about this last one. Here is Tom Kermode, from Geauga County, OH, who wrote:

Relief from required minimum distributions would be very helpful in that it affords me and other senior taxpayers the freedom to save to help fund my retirement years. Why should I be forced to deplete my retirement account at age 70½ instead of remaining financially independent?

You are darned right, Tom. Thanks for your letter.

The bill also provides help in other ways. It reduces the current penalty for one's failing to take the required distribution from 50 percent of the shortfall amount to 25 percent in most cases and to as low as 10 percent in some cases if one self-corrects the error.

Finally, in order to help those who are in retirement, the legislation encourages the use of qualifying longevity annuity contracts, QLACs. What are they? They are retirement plans that provide annual payments to individuals who outlive their life expectancies. Basically, think of an annuity or a periodic payment. When you retire, instead of taking a lump sum, you have one of these contracts in which you are able to ensure that you are not going to outlive your retirement savings.

There are affordable options for a lot of Americans who are trying to hedge the risk of outlasting their savings. We should encourage those more, and that is what we do in our legislation.

These are all commonsense reforms. They deal with all four of these challenges that we have seen, as we have looked at the retirement system, that have been based on a lot of input from a lot of people. My hope is that we will be able to get this done.

Our coalition includes the American Benefits Council, the AARP, the U.S. Chamber of Commerce, the Insured Retirement Institute, Fidelity, Nationwide, T. Rowe Price, Vanguard, the Women's Institute for a Secure Retirement, the International Association of Fire Fighters, the American Council of Life Insurers, and The ERISA Industry Committee, to name a few. There are a lot more too.

We have had the opportunity to work together for a couple of decades now on these issues. I am glad that we are taking this next step to provide additional options for people to build and save for their retirements and to have more peace of mind in retirement.

I yield to Senator CARDIN.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me again thank my colleague Senator PORTMAN.

He has explained what is included in the Retirement Security and Savings Act that we filed this week. It builds on what has worked, and it takes on new opportunities to increase savings and retirement security.

He mentioned the automatic enrollment, which is the safe harbor here, because Americans make decisions by inaction. Now, with automatic enrollment, they will be in retirement plans and will have the opportunity to opt out.

It increases the saver's credit's eligibility, but, importantly, it makes it refundable, and it deposits it directly into a savings account so that low-wage workers will, indeed, have savings opportunities.

It increases the tax credits for small business so that the burden of setting

up a plan for your employees will be matched with this credit so that more workers will have opportunities for savings retirement.

It expands part-time workers—a group that, today, is underrepresented in retirement savings.

It deals with the student debt issue. I really thank Senator PORTMAN and also Senator WYDEN for their help in recognizing that a lot of young workers would love to put money into retirement, but they have to pay off their student loan debt. So that, at least, can be used as a match by an employer for a savings account.

It also deals with lifetime income. How many people have we run into, as Senator PORTMAN has pointed out, who have outlived their retirements? They didn't expect to live to be 95 and still have active lifestyles. So we significantly increase the opportunities for lifetime income options, as well as what Senator PORTMAN said in dealing with required minimum distributions.

There are a lot of other issues. I think there are 50 issues in the bill. There are a lot of other issues that are important. There are issues that we want to work on, including relating to the recoupment of benefit payments.

The bottom line is that we want to improve the retirement security for Americans. As Senator PORTMAN pointed out, Social Security is very important. It is a three-legged stool. Let's work together to increase private savings in retirement, which is exactly what this bill does.

I think we have 1 minute left, so I yield to Senator PORTMAN.

Mr. PORTMAN. Mr. President, I thank my colleague from Maryland for his partnership on this over the years.

Let me just make the obvious point for those who are watching today. I am a Republican, and he is a Democrat. We are actually talking about doing legislation together. It is bipartisan. I would say, in the retirement space, we have tried to keep it nonpartisan because this is so important to the people we represent.

The committee also happens to be represented by a Republican and a Democrat who believe in this. Senator GRASSLEY was the chairman of the committee back in 2001 when we first passed this major legislation to increase what people could save for their retirement. He is the chairman again, and he believes in this. Senator WYDEN is the ranking Democrat, the top Democrat. He also was a former Gray Panthers executive director and also has a provision in our bill that is very important, as Senator CARDIN talked about, with regard to student loan debt.

The constellations are kind of properly aligned. I think the ability for us to get this done might be counter to a lot of the partisanship and the gridlock we see here in this town. This is bipartisan stuff. It always has been. We have spent our time, have done it right, and have used input from all sorts of outside stakeholders. We have the opportunity here to improve our national

savings, which everyone says is important, including the Congressional Budget Office, and to help people have peace of mind in retirement. What could be more important?

Again, I thank my colleague from Maryland for allowing me to join him on the floor to talk about the importance of this legislation.

I urge my colleagues on both sides of the aisle to take a look at this. I hope they will sign it and be cosponsors on this legislation. Let's get this passed. Let's do it this year.

I yield the floor.

#### NOMINATION OF KENNETH KIYU LEE

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit.

Mr. Lee has been nominated to a California seat on the Ninth Circuit over the objections of Senator HARRIS and myself. Neither Senator HARRIS nor I returned blue slips for Mr. Lee; yet the majority moved forward with his nomination, disregarding our concerns.

In doing so, the majority is violating Senate norms and traditions by—for the first time ever—ignoring the lack of a blue slip from the Judiciary Committee's ranking member. Let me repeat: This has never been done before.

There was no need to proceed with Mr. Lee's nomination over our objections.

As has been true of many of my Democratic colleagues, Senator HARRIS and I made it clear to the Trump administration that we were ready to work with the White House to find a consensus pick for this and two other Ninth Circuit California seats.

Sadly, our willingness to work with the administration has not been reciprocated. Once again, the majority is insisting on moving ahead with a nomination, despite the strong objections of both home-State Senators.

Senator HARRIS and I refused to return blue slips for Mr. Lee for two key reasons.

First, Mr. Lee has a long record of controversial writings and statements on race and diversity, immigration, affirmative action, women's rights, and other issues.

Second, Mr. Lee failed to disclose dozens of problematic writings to our in-state judicial commissions and to the Judiciary Committee itself.

That failure raises significant doubts about Mr. Lee's candor and judgment, and it should be concerning to all Members of this body. In fact, when another nominee for the Ninth Circuit, Ryan Bounds, also failed to turn over his writings, his nomination was rejected by the Senate.

Mr. Bounds had failed to identify to Oregon's in-state judicial screening commission at least five articles that took controversial positions on issues including campus sexual assault and diversity at institutions of higher education, whereas Mr. Lee failed to dis-

close either to my and Senator HARRIS's screening commissions or to the Judiciary Committee itself more than 75 articles.

Importantly, several of Mr. Lee's articles demonstrate a continuity between what he wrote and the positions he has continued to advocate well into his legal career.

For example, Mr. Lee was a vocal critic of affirmative action, writing: "Our stance on affirmative action has always been that it ultimately hurts the recipients instead of helping them. . . . Black students will unfortunately be treated as inferiors because people will always assume that they were accepted solely because of their race."

In a 2003 piece, written while he was a practicing attorney, Mr. Lee criticized the Supreme Court's opinion in the Bakke case, which upheld the use of race as one of several criteria to be considered in college admissions.

Mr. Lee wrote that "[t]he Supreme Court can no longer hide behind the wishful thinking of Bakke," which he said "was based on the naive assumption that universities would consider race merely as a tie-breaker."

Mr. Lee has not backed away from his opposition to affirmative action and so the Congressional Black Caucus wrote a letter stating: "While many of [Mr. Lee's] most disturbing writings have come from when he was in college and law school, there is every indication that these views were well-settled and carried through his career."

In a 2005 article, written years after he graduated from law school, Mr. Lee criticized President George W. Bush's plan to allow undocumented immigrants to work legally within the United States.

Mr. Lee wrote: "By describing illegal immigrants as 'hard-working men and women' who are pursuing 'better lives,' [President Bush] blurs the distinction between illegals and those who came to America following the rules."

Mr. Lee's portrayal of undocumented immigrants is both inaccurate and troubling.

Mr. Lee has also taken extreme positions on women's rights. He argued that feminism "is not about extending equal rights and opportunities to women . . . [but] is about adhering to a stifling orthodoxy." He attacked feminists for "support[ing] unfettered abortion-on-demand."

As NARAL put it in a letter submitted to the committee, Lee's writings "suggest a disdain for women that is concerning in any context, but especially so for someone up for a lifetime seat on the federal bench."

In conclusion, I believe Mr. Lee's record shows that he is far outside the legal mainstream.

Given the positions he has taken in dozens of articles and given his failure to disclose writings to my commission and to the Judiciary Committee I cannot support Mr. Lee's nomination to the Ninth Circuit.

I will vote against Mr. Lee and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Ohio.

#### LEGISLATION SESSION

##### MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

##### MEASURES PLACED ON THE CALENDAR—H.R. 986 and H.R. 2157

Mr. PORTMAN. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time.

The senior assistant bill clerk read as follows:

A bill (H.R. 986) to provide that certain guidance related to waivers for State innovation under the Patient Protection and Affordable Care Act shall have no force or effect.

A bill (H.R. 2157) making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Mr. PORTMAN. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

##### RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 178 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 178) recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 178) was agreed to.