

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—43

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

NAYS—52

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

NOT VOTING—5

Harris	Sanders	Whitehouse
Isakson	Warren	

The joint resolution was rejected.

COMMERCE, JUSTICE, SCIENCE, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, INTERIOR, ENVIRONMENT, MILITARY CONSTRUCTION, VETERANS AFFAIRS, TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2020—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3055, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes.

Pending:

Shelby amendment No. 948, in the nature of a substitute.

McConnell (for Shelby) amendment No. 950, to make a technical correction.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—S. 1834

Mr. CARDIN. Mr. President, I think everyone in this Chamber would agree that free and fair elections are the bedrock of our democracy. We know it has been under attack. We know, from the Mueller report, that Russia, in 2016, used a systematic and comprehensive attack on our free election system to try to undermine our democracy.

That attack occurred in the State of Maryland. Let me just quote, if I

might, from the Washington Post article that said:

Maryland was never in play in 2016. The Russians targeted it anyway.

The article states:

Russia's Twitter campaign to influence the 2016 presidential election in Maryland began in June 2015, 17 months before Election Day, when the St. Petersburg-based Internet Research Agency opened an account it called @BaltimoreOnline and began tweeting about local news events.

Yet, the IRA, the Russian troll factory that U.S. prosecutors blame for the massive disinformation efforts during the 2016 campaign, devoted enormous attention and preparation to its Maryland operation, all in a likely effort, experts say, to widen racial divisions and demoralize African American voters.

That is what happened in 2016. Our intelligence community tells us that Russia is active today trying to influence our 2020 elections, and they are using technology to try to undermine our free election system. We must do more to protect our system.

It was for that reason and many others that I introduced S. 1834, the Deceptive Practices and Voter Intimidation Prevention Act of 2019. It is cosponsored by Senator KLOBUCHAR, Senator LEAHY, Senator FEINSTEIN, and others. This bill is an effort to try to protect us from this type of international interference in our elections, as well as local efforts that are aimed at trying to intimidate voters targeted at minority voters. That should have no place in American politics.

This bill did pass the House of Representatives in March of this year in H.R. 1.

Very quickly, let me tell you what this bill does. It prohibits individuals from knowingly deceiving others about the time, place, eligibility, or procedures for participating in a Federal election; addresses new digital challenges that pose a threat to citizens exercising their right to vote, particularly the use of digital platforms to disseminate false information regarding Federal elections; and combating voter intimidation, especially efforts aimed at suppressing voter rights.

I would hope every Member of this Chamber would support these efforts. Unfortunately, the majority leader has failed to bring any of these issues to the floor or give us any time to take up legislation in order to protect our free election system. Time is running out. The election primaries will start early next year. We need to take action now.

That is why I am going to make this unanimous consent request. I hope we can agree to it.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1834, the Deceptive Practices and Voter Intimidation Prevention Act of 2019; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CRAMER. Mr. President, reserving the right to object, I don't disagree with everything that is in the Senator's bill—far from it. I agree with much of it, but it does have several critical flaws, and it is not ready for prime time.

In most, if not all, States, it is already illegal to prevent or try to prevent lawful voters from trying to register to vote. We all agree that every qualified voter should have an opportunity to register for an election. But this proposal is written so broadly that it would prevent election officials from rejecting the registration of an illegal immigrant. It could prevent poll workers from stopping a 16-year-old from voting in an election. In other words, this would seemingly make it illegal for voting registration officials to actually do their job.

I assume it is not intentional, but it is obviously a big problem. Other sections of the bill create significant First Amendment concerns. It would create criminal penalties for political speech that misstates endorsements a candidate has received. Nobody approves of lying, but there are enormous problems when the Federal Government starts sending people to jail for what they say. Even the ACLU opposes my colleague's bill because this bill is so anti-First Amendment.

Just a few days ago, Secretary Hillary Clinton claimed that a former third-party candidate was a Russian asset and that a Democratic Presidential candidate she doesn't like is Russia's preferred candidate in the upcoming election. Should Mrs. Clinton have violated Federal law because she perhaps misstated a political endorsement as a way of making a political point? We don't want to start down the road where the Federal Government referees free speech.

I believe there is an appetite on both sides of the aisle for making good policy that honors the principle behind my colleague's bill, but this version has enormous problems, is nowhere near ready to pass by unanimous consent, and I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I regret that my colleague has raised the objection. Let me point out that this bill has been pending in previous Congresses. We have gone through all of the challenges my friend has already talked about. There are real problems that are occurring in our States.

We had billboards in minority communities highlighting voter fraud in an effort to intimidate African-American voters. We have seen information sent out with wrong dates of elections. We have seen robocalls pretending to be from a particular campaign when they are from the opposite campaign in an effort to intimidate voters from participating.

We can always find reasons why we shouldn't consider legislation, but the truth of the matter is that we have given the OK in our system for some to say it is all right to try to intimidate voters from voting—something I would hope this Congress would want to go on record to say it should have no place in America, particularly when it is targeted at minority communities in an effort to reduce their numbers.

I regret my colleague has objected, and I hope that we will have a chance to take up election security legislation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. CRAMER. Mr. President, it has been a year since the United States, Mexico, and Canada agreed to the U.S.-Mexico-Canada Trade Agreement, the replacement for NAFTA and the modernization for the NAFTA agreement that has been so important to all three of our countries. In fact, we are coming up on 1 year since it was signed by leaders of all three countries. In fact, the country of Mexico has ratified the USMCA. Canada is waiting for the United States to take the next step so they, too, can ratify this very important trade agreement.

This agreement between the three countries on the North American continent is estimated to add \$68.2 billion to the U.S. economy and create 176,000 new jobs. The USMCA would also increase exports to Canada by 5.9 percent, to a total of \$19.1 billion, and shipments to Mexico by 6.7 percent, or \$14.2 billion. Imports from Canada and Mexico would rise by 4.8 and 3.8 percent, respectively.

But the ratification process has to begin with the Democrats in the House under the trade promotion authority with which this deal was struck. The Democrats leading the House seem to be more focused on taking away one person's job than creating 176,000 new ones here in the United States. It is time for Speaker PELOSI to act on something that is nearly unanimously agreed to.

While not every person agrees to it, I don't think there is any question that if she would bring up the USMCA for a vote in the House, it would pass. We know that when it comes over to the Senate, it will pass here for many good reasons—for the reasons I already stated, for economic reasons and job creation reasons.

But I also want to add that passage of the USMCA is important to negotiations with other countries. Having Mexico, Canada, and the United States

in one accord adds leverage to the President's negotiations with China, especially now that we have a bilateral trade deal with Japan that President Trump has negotiated so effectively, and when working with other neighbors and allies on other bilateral trade agreements. All of this adds to leverage in negotiating with China.

I want to speak for a couple of minutes about the specifics to my State of North Dakota. We are a border State with Manitoba and Saskatchewan in Canada, and our northern border is by far our biggest trading partner. In 2017, my State of North Dakota exported \$5.8 billion worth of goods to the global marketplace. Those exports contributed to 28,000 jobs. Of that \$5.8 billion, we exported \$4.9 billion of goods to Canada. That is 84 percent of North Dakota's exports that go to our northern neighbor, Canada. When adding Mexico into that equation, that is 88 percent of the value of North Dakota's exported goods and services going to USMCA countries.

Farmers and manufacturers can be very pleased with the renegotiated terms that will now benefit them directly with a commitment from Canada to reduce trade distorting policies and improve transparency, something that we have a little issue with in the original NAFTA.

In addition, the new agreement assures nondiscriminatory treatment for agricultural products standards—a major win for our farmers. Specifically for North Dakota, I spoke directly with President Trump concerning the biased Canada grain grading issue and wrote a line he actually used in a speech.

I worked closely with U.S. Trade Representative Lighthizer and chief agriculture negotiator Doud to ensure that our grain growers were relieved of the unfair practice of grading North Dakota grain as sub-par feed. This is estimated to double U.S. exports of grain to Canada.

North Dakota grain growers deserve better, and they will now be recognized properly if we can get the House of Representatives to bring the USMCA up for a vote.

Our manufacturing workforce will be pleased with the automotive and machinery provisions that are included in this deal. Going forward, vehicles are mandated to have 75 percent of North American content to be imported without tariffs, compared to 62.5 percent. Also, at least 40 percent of a vehicle eligible for duty-free importing must have been built by workers earning at least \$16 an hour. This is a big win for labor. This wage requirement will ensure that the market is not being flooded by cheap labor, particularly from south of the border.

Renegotiating and reorganizing NAFTA into the USMCA was an essential move for our State, given the economic relationship and mutual reliance North Dakota and Canada share as neighbors. I applaud President Trump for securing his promise to ap-

prove a superior deal for our State and our country. It is my sincere hope that the House and Senate will act to ratify this agreement as soon as possible in order to cement this win for our country.

We must demand that Speaker PELOSI set petty partisan politics aside, even if just for a day, to bring this important ratification up to the House so it can be passed and sent to the Senate so we can be on our way to a new, improved, modern U.S.-Mexico-Canada Trade Agreement.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Madam President, I understand that several of our colleagues today have been on the Senate floor calling for an immediate vote on the President's new North American Free Trade Agreement.

Setting aside the fact that there have not yet been the hearings or the mark-ups necessary to allow that to happen, it would be a major mistake for the Trump administration to seek a vote on a trade deal until it is a good deal. While the new North American Free Trade Agreement includes some improvements to the existing agreement, there is still work to be done to get the best deal for American workers and consumers.

Updating NAFTA, for example, means confronting the areas where older trade agreements continually have fallen short: fighting to protect labor rights in the interests of working families, preventing a race to the bottom when it comes to the environment, and making sure there are vigorous enforcements of our trade agreements so that other countries can't treat a trade deal as an empty document that gives them yet more time and more opportunities to rip off American jobs.

I do have real concerns about the current trade enforcement because the new NAFTA carries over too much of the weak enforcement system of the old NAFTA. It is too easy on trade cheats, and it is not good enough for American workers, particularly on the issue of protecting our working families and labor rights.

Now, I and our colleague Senator BROWN have proposed several additional tools to address specific challenges in Mexico. It is my view, in having talked to trade officials and in having gathered information elsewhere, that by all accounts, there has been good progress on this front. Additionally, one of the bigger challenges that has to be confronted is that of identifying the hundreds of thousands of sham labor contracts in Mexico that

have exploited workers there and harmed workers here in our country. Mexico must remain on track to get those contracts renegotiated on behalf of the interests of our workers.

To my colleagues who say this deal must be passed in the name of certainty, I want to make a point that, I think, is very important. During this overhaul, the original North American Free Trade Agreement remains in place. Workers, farmers, ranchers, and businesses should not have to go to bed at night fearing that economic uncertainty is going to rob them of their livelihoods. The uncertainty arises only when the President acts out and makes impulsive threats regarding our trade relationships. When the President threatened new tariffs on Mexico this June over immigration policy, that created far more uncertainty than our taking the time that would be necessary to get this deal right. American workers and farmers have already been hurt by the President's impulses. More are going to get hurt if Trump threatens and produces chaos, causing the Congress to accept a bad deal on the North American Free Trade Agreement.

Passing a trade deal that would allow the President to unilaterally change trade rules and jerk around entire industries would be a substantial mistake and would be one that would produce still more uncertainty. That is not how you get trade done right. Based on that, I do have some real concerns about how the administration wants NAFTA 2.0 to be implemented.

I am just going to close by mentioning a fact or two about my State.

In my State, trade and global commerce are priority business. One in five jobs in Oregon depends on international trade, and the trade jobs often pay better than do the nontrade jobs because they reflect a level of added value. When I am asked at a town meeting what my views are on trade, I always say: Let's grow it in Oregon. Let's make it in Oregon. Let's add value to it in Oregon and then ship it around the world. I don't take a back seat to anybody in talking about the importance of trade, particularly in my State.

I sat and listened to a number of my colleagues who talked about their views and that we ought to just have an immediate vote, that we just should vote now. I don't know what they thought with respect to hearings and markups and the kinds of things that are required. They just said that we have to move now. As the ranking Democrat on the Committee on Finance, I just want to make it clear that you go when a trade deal is a good deal. There are issues still to be resolved on that matter, and I am interested in working with both sides in good faith in order to get a good deal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH INSURANCE PLANS

Mr. WARNER. Madam President, I am here today because protections for Americans with preexisting medical conditions are under attack from this administration. For the last 3 years, this President has used every tool at his disposal to try to undermine the ACA. He tried to repeal it twice through Congress. When that failed, the administration joined a lawsuit that would strike down the ACA with no plan to replace it.

The truth is, this administration is, unfortunately, actively working to destabilize the insurance market. One way the administration is attempting to undermine the ACA is with the so-called "short-term plans," which I would refer to—and, frankly, I think most Americans if they saw the criteria in these plans would not call them short-term plans—and I would call them junk plans. Thanks to this administration, these junk plans allow insurance companies to once again discriminate against Americans with preexisting conditions.

Make no mistake, these plans are a threat to the stability of the insurance market and to every American with a preexisting condition. That is why I have introduced a resolution that will force an up-or-down vote on the administration's rule that pushes more of these junk plans on unsuspecting consumers and, consequently, significantly increases costs for other Americans.

I fear some Members of this body have forgotten what it was like before the Affordable Care Act, when an unexpected surgery or a diagnosis of a chronic illness could mean a one-way ticket out of the middle class.

Unfortunately, this is not a hypothetical. Recently, one of my constituents, a man named Jesse, received a \$230,000 medical bill for his back surgery. Unbeknownst to him, he had purchased a plan that he thought would cover this, but this plan, unfortunately, was a junk plan that considered his back injury as preexisting.

Jesse is one of the more than 3 million Virginians with a preexisting medical condition.

I have three daughters. Two of my three daughters have preexisting medical conditions that would not be covered under these junk plans.

Today I want to share some of those stories to remind my colleagues of what real people will face if we allow the administration to continue dismantling these protections that folks count on.

Recently I got an email from Linda in Warren County, VA. She is a cancer survivor with multiple preexisting conditions. She wrote:

Due to the housing fallout in 2008, we lost our healthcare coverage and I could no longer get health coverage because of my cancer diagnosis.

Mindy from Henrico, around Richmond, is also a cancer survivor. She writes:

Even though my cancer is in partial remission, I remain on treatment for fear of the cancer returning again. As I prepare for retirement, it scares me to think that this cancer would be considered a pre-existing condition and I could be denied healthcare or would be required to pay through the nose for insurance.

Sharon in Norfolk told me about her struggle with behavioral health issues. She wrote:

I am a functioning member of society, however that will not last long if I lose this access to medical help. I went off my medications in 2000 as I couldn't afford a doctor and medication . . . and it was a very thin line between me and homelessness.

Justine from Loudon County is worried that she could lose coverage for her diabetes care. Here is her message for the Members of this body:

What if you or a loved one was diagnosed with a "pre-existing condition"? How would you feel about being denied health coverage?

It is a good question that Justine asks, and that we should all ask ourselves. As a father, as I mentioned, I have dealt with the scary reality of having a child with juvenile diabetes and a child with asthma, but I am also an extraordinarily lucky individual, and I knew that because of the insurance and because I had the resources, they would be taken care of. That is not the case for many of the 3 million Virginians who have preexisting conditions or the countless tens of millions of Americans.

Katherine in Blacksburg, VA, told me about her daughter who was diagnosed at age 3 with juvenile diabetes. She wrote:

Until there is a cure for diabetes, I cannot imagine how costly it would be for her to stay alive and manage her health if there are limitations on coverage for people with preexisting conditions.

Katherine's daughter deserves access to healthcare just as much as my daughter does.

I got a letter from a pharmacist in Abingdon, in far southwest Virginia, named Michael. He treats diabetics every day, and he also knows what it is like because he has lived with the disease for 38 years.

He writes:

Without insulin we will die. . . . If coverage for pre-existing conditions goes away, you will see a large decline in the health of type 1 diabetics, and more dependence upon Medicaid.

This is not only somebody who has dealt with diabetes for 38 years, but he is also a knowledgeable consumer. He is a pharmacist.

I have too many of these stories to share them all today, and I see my friend, the Senator from Washington State. She and other of my colleagues will be coming to the floor today and over the next few days until we have a

chance to vote on this CRA, to share stories as well of what we will do to Virginians, Washingtonians, Tennesseans, and Americans all across this Nation if we go back to a time when we did not protect people with preexisting conditions.

One or two more quick stories. James from Danville, VA, told me about his 10 separate preexisting conditions. Lynn from Lynchburg is on three separate medications due to a brain tumor. She could die if her insurance coverage didn't cover those medications, and the list goes on.

In closing, when we talk about preexisting conditions, we are talking about people's lives. That is why we must pass the resolution I have introduced to reverse the administration's harmful rule changes and defend protections for folks with preexisting conditions.

I think virtually every one of my colleagues on both sides of the aisle have said they absolutely want to protect folks with preexisting conditions. Even for folks who otherwise completely don't agree with the ACA, that is the one part of the ACA that folks have agreed upon.

Well, next week we are going to have a chance to move past talk, to move past statements, to actually go on the record with an up-or-down vote, to go on the record to say that we are going to protect provisions of the ACA that made sure that folks with preexisting conditions weren't discriminated against, or we will go on the record saying: No, what the administration is doing is all right.

These short-term or junk plans sound good until you realize you are not getting the kind of coverage that you thought you were buying. We will have that decision point come next week.

I ask my colleagues across the aisle who believe and say they support protections for folks with preexisting conditions, well, they will have a chance to go on the record next week. I hope they will. I hope we will pass overwhelmingly this CRA and make sure that protections for folks with preexisting conditions are maintained.

I can't think of an issue that is more important to so many families all across Virginia, and, for that matter, all across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want to thank the Senator from Virginia for bringing forward this CRA that we will be voting on that will allow us to affirmatively from the Senate say: We want to protect people with preexisting conditions and people from these junk plans that really take away the protections that are so important and that every family counts on. So I really appreciate that from the Senator.

When it comes to healthcare, families across our country have repeatedly seen President Trump and Republicans

say one thing and do the exact opposite. Despite proclaiming themselves somewhere along the line as the "party of healthcare," despite making empty promises to fight for families and people with preexisting conditions, the cornerstone of Republicans' healthcare policy has been to attack the care families really rely on with their massively harmful TrumpCare proposals—the junk plans that you just heard about—and waivers that chip away at patient protections, and, of course, that partisan lawsuit which the court could rule on any day.

Let's make it clear. If Republicans get their way in court, they are going to throw the lives of patients across the country into chaos and uncertainty by striking down those protections for preexisting conditions by stripping away health insurance from tens of millions of people covered through Medicaid expansion or the exchanges.

It will get rid of the lifetime and annual caps that are on patients' out-of-pocket costs, while bringing back caps on their benefits, even for those who are insured through their own employers—so this applies to everyone—and ending essential health benefits that require insurers to cover things like prescription drugs or maternity care, mental healthcare, emergency care, and a lot more.

While Republicans have been advancing their attacks on families' healthcare, they have also been blocking commonsense solutions that Democrats are out here pushing for—like legislation to bring down drug prices through impactful steps like Medicare negotiation or making coverage more affordable for our working families and protecting patients with preexisting conditions from the Republicans' reckless lawsuit.

Now, Democrats in the House have also passed legislation to restore funding that President Trump cut, to help people find the right care for themselves, to reverse President Trump's harmful junk insurance rule, and to actually defend patients from that partisan lawsuit that Republicans are pushing to upend healthcare as we know it.

Now, what have Leader MCCONNELL and Senate Republicans done with those solutions that have come over here from the House? Well, they have buried each and every one of them in a legislative graveyard, while brazenly and inaccurately claiming they care about fighting for patients or protecting preexisting conditions.

I am here to say today that Republicans' transparent healthcare charade is coming to an end. Soon, as you heard, Democrats will force a vote on legislation that Senator MCCONNELL cannot bury in their legislative graveyard, meaning every Senator here is going to have to go on the record as to where they really stand on healthcare—whether they stand with families or with President Trump and his schemes that take power away from

patients and give it back to the insurance companies.

Our legislation will reverse a step that President Trump took to warp a tool meant to encourage innovation into one that encourages States to eliminate protections for patients with preexisting conditions, increases costs, and promotes those harmful junk insurance plans that can charge vulnerable patients more and cover less.

President Trump's junk plans can flout protections for preexisting conditions, meaning that they can discriminate against patients—patients like Lily. She is a high school student from Gig Harbor, WA, and has cystic fibrosis; or Julie, who is a four-time cancer survivor from Mercer Island; or Javi, who is a college student in Seattle with mental health needs; and millions of other patients across the country with preexisting conditions.

Letting President Trump expand the use of these junk plans will leave patients with higher premiums, higher out-of-pocket costs, and fewer affordable options to get the healthcare that they need, and President Trump's rule could even be used to cut financial help for patients who need it the most and take benefits away from the sickest patients, even if they don't buy that junk insurance.

This is absolutely unacceptable and exactly why the vote Democrats are going to be forcing is so important. These patients across the country and in my State deserve to know that we have their backs, that we are fighting against President Trump's efforts to undermine their healthcare, not cheering him on and blocking efforts to stop them.

Democrats are going to be out here a lot to talk about this because we know families in the country care about this a lot. We are going to be putting pressure on Republicans to do the right thing—the thing patients and families sent them here to do. If they don't, if they continue their relentless attacks on family healthcare, if Republicans continue to side with President Trump and his efforts to take protections away from patients and give that power back to the insurance companies, we are not going to give up. Democrats are not going to let up. We will double down. We are going to

make sure that families know which party is offering solutions to protect their care and which one is blocking them, which party is trying to repair the damage President Trump has caused and which party is trying to cause even more harm, which party is fighting for their healthcare and which one is fighting against it. We are going to be out here day after day to keep pushing Republicans to do the right thing, to stand up for patients and families even if it means standing against President Trump.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Madam President, our colleagues, Senator WARNER and Senator MURRAY, have come to the floor over the course of the day to speak about the importance of protecting Americans who have preexisting health conditions, and I want to see if I can put this in a bit of context so that people understand why those of us on this side feel so strongly, why I think Senator WARNER and Senator MURRAY were spot-on, and I want to put it in the context of the way I came up.

When I got out of law school, I set up a legal aid program for senior citizens. I was codirector of the Oregon Gray Panthers, and I saw what it meant when the big insurance companies could just clobber those people with preexisting health conditions. They would just throw all kinds of extra costs on them, heap extra expenses, and pretty much beat the stuffing out of anybody who had a preexisting health condition. We tried as hard as we could to push back. This was all before I was in public life.

At the time, I said: If I ever have the opportunity in the Congress, I am going to make this priority business to make sure that everybody in America could go to bed at night knowing that they wouldn't be wiped out in the morning if they have a preexisting condition.

So in the course of the whole debate about the Affordable Care Act, I produced a piece of legislation called the Healthy Americans Act. Seven Democrats and seven Republicans were cosponsors. Some of the Republican cosponsors are still serving in the U.S. Senate today.

What we had in it was airtight, loophole-free protection for anybody with a preexisting condition. We were thrilled that, by and large, our provision from the Healthy Americans Act became the provision in the Affordable Care Act that ensured that there would be a new generation of consumer protection and security for the millions of Americans who had these preexisting conditions.

Now, as my colleagues have said, there is a very real threat to that protection that is now in the Affordable Care Act that really does provide airtight, loophole-free protection for those with preexisting conditions. I just want to make sure that we get on the record, for those who are following the debate, what it means if you roll back these protections for those with preexisting conditions.

In a sentence, what it means is America goes back to the days—those days when I was codirector of the Gray Panthers—when healthcare was for the healthy and the wealthy. That is what you have if you allow discrimination against those with a preexisting condi-

tion. If you are healthy, you don't have an issue with preexisting conditions. If you are wealthy, you don't have an issue with preexisting conditions. But if you are not healthy and you are not wealthy and you get rid of these protections, you are in a world of hurt. That is what we are looking at should the Republicans prevail.

The Republican's official position is ironclad: Preexisting consumer protections ought to be pretty much thrown in the trash can. I am going to spend a few minutes outlining the examples of why that is the case.

First, we saw the TrumpCare disaster of 2017. The Republicans tried to repeal the Affordable Care Act with its protection for preexisting conditions. They failed, and preexisting conditions lived to fight another day. Enough said there.

Second, my colleagues have chosen to stand idly by while Republican-led States and the President tried to maneuver through the courts to toss out the entire Affordable Care Act overall with the protection for people with preexisting conditions. The so-called Texas lawsuit relies on an argument that wouldn't hold up in law class 101 on the Constitution. But thanks to a cadre of ideological judges, it does seem that this case may make its way to the Supreme Court.

I do want to be clear for those who are following this. Republican Members of this body are not just some kind of innocent bystander when it comes to this court case. They could, if they wanted to, join Democrats to take steps that would prevent this lawsuit from going forward, and, again, we can have protections for people with preexisting conditions. Instead, all the arguments are about why the Republicans just can't be involved and a lot of excuses and deflection.

Third, the so-called “fix-it” bills that my Republican colleagues have offered to—what they claim—“protect” preexisting conditions are just so full of disclaimers that they look as if they might have been written by one of those insurance company lawyers from the old days who was only interested in finding ways in which the insurance company could win and the consumer would lose. Any healthcare legislation that doesn't provide an ironclad guarantee of health coverage, no matter your health status, age, or gender, amounts to a huge loophole that leaves hard-working, middle-class people emptyhanded when they need health coverage the most. If insurance companies can make coverage for your preexisting conditions so expensive that it is unaffordable, it is no different than being denied coverage in the first place.

Next, the Trump administration has given the States the green light to use taxpayer dollars to push junk plans that aren't worth the paper they are written on. I will have more to say about that in the days ahead, but not only does this approach amount to fed-

erally funded fraud, this is a gross misreading of current law that is going to disproportionately hurt vulnerable Americans with preexisting conditions who need comprehensive healthcare.

Under these rules, unscrupulous insurance companies can charge people more if they have a preexisting condition, deny benefits for specific types of treatment, or even deny coverage altogether. This rule change is—and we are going to talk some more about it—a grotesque perversion of the provision I authored in the Affordable Care Act that would let States build on the strong protections in the law but not go out and, basically, completely undermine them.

Despite this parade of grim tidings, next Friday, November 1, is the beginning of open enrollment for individual, private health insurance coverage on healthcare.gov, so there is a little bit of encouraging news. Even as the Trump administration has done everything they can to fuel the fires of uncertainty for people about where healthcare is going to be and what is going to be available, millions of families are going to be able to shop for plans that provide them with health coverage. That is because, yesterday, Americans got the news that the average premium for the so-called “benchmark plan” for the individual market—part of the Affordable Care Act—is going down by 4 percent. Make no mistake, this reduction is in spite of all of the things the President has done to make it harder to get affordable coverage under the Affordable Care Act. Attributing this reduction to the President is about as believable as saying that Trump University is going to make a comeback any day now.

In fact, one insurer who posted a premium decrease last year crunched the numbers and said that they could have reduced premiums by over 22 percent if it weren't for congressional Republicans and sabotage by the Trump administration.

Americans should still sign up for health coverage if they need it before the deadline on December 15, even if the President hasn't done you or your family any favors on healthcare.

One last point on healthcare: While Americans are looking for affordable healthcare plans on healthcare.gov, there are going to be a lot of scam artists on the prowl outside of the official website. These hucksters are going to be trying to pawn what are called junk plans onto unsuspecting families. The junk plans might sound attractive. They always seem to be advertising promotional materials that say: “Low premiums! Affordable coverage!” But I just want to make clear that if you or a loved one gets sick, chances are the fine print says that the carrier of this junk plan will not cover what you need. So despite the low premium, the real bill comes due right when you need your coverage the most.

I am also struck by how similar these junk plans are that are being offered

now by these rip-off insurers—how similar they are to another part of what we dealt with when I was codirector of the Gray Panthers, legal aid for senior citizens. Back then, we saw that fast-talking insurance salespeople would sell older people 10, 15, sometimes even 20 private policies that were supposed to supplement their Medicare, and a lot of them weren't worth the paper they were written on. If you had one, often, the others wouldn't offer you coverage because they would say that you already had coverage.

Finally, we outlawed that. We wrote a law that streamlined the Medigap market, and it basically is still the law today.

With respect to the law on pre-existing conditions, I hope we can protect that. We shouldn't be creating new problems for patients and consumers. And, particularly, when we make progress, such as we did with the Affordable Care Act so that we now have in it airtight, loophole-free protections for those with preexisting conditions, we certainly shouldn't turn back the clock to the days when healthcare was for the healthy and wealthy.

I am going to have more to say about these junk plans and how they have really unsavory, historical roots, particularly when the equivalent was sold to the elderly. These junk plans are now just a backdoor to denying care to Americans with preexisting conditions, and people ought to know about the dangers. People deserve to know whether their elected officials are going to fight to protect their rights or whether they are going to let a bunch of con artists weaken the core protections for preexisting conditions that Senators WARNER and MURRAY talked about today that are so important to keeping families healthy.

I urge my Republican colleagues to change course and stand with Democrats in defense of the law and real protection for vulnerable patients, against discrimination if they have a pre-existing condition.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAMER).

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTHCARE

Ms. STABENOW. Mr. President, I think you have heard me say before on the floor that healthcare is personal—not political. I think it is for all of us and our families.

Healthcare affects everybody, whether they are Republican or Democrat, urban or rural, cheer for the Washington Nationals—go Nats—or the Houston Astros or my Detroit Tigers that didn't make it this year.

When people tell me their healthcare stories, I can assure you they don't

start with their political affiliation or with anything else. They start with what is happening with them and their family. That is because, when it comes to their health and the health of their families, none of those other things matter. People in Michigan simply want to know that if they or their loved ones get hurt or sick, they are going to be able to go to the doctor and that they are going to be able to get the healthcare they need.

Unfortunately, Michigan families have reason to be concerned right now. Any day now, the Fifth Circuit Court of Appeals will rule on the *Texas v. United States* case. Everything is at stake—everything—including coverage for 17 million people through the Medicaid expansion. People earning minimum wage will not have to pick between having healthcare and not working or working, not getting healthcare or not working, getting healthcare—now they can work and get healthcare—or the ability for children to remain on their parent's health insurance plans until age 26, coverage for preventive services like cancer screenings and flu shots, and protections for people with preexisting conditions.

Misty, who runs a consulting company in Leslie, MI, knows all about preexisting conditions. She was diagnosed with breast cancer at age 52. Her diagnosis came entirely out of the blue, 3 days after her husband lost his job. She said:

We were the lucky ones. He found another job 3 months later before our COBRA ran out.

She added this:

Insurance loss and job loss at the same time as a cancer diagnosis are stresses that I wonder if any of those people who are looking to get rid of coverage for people with preexisting conditions have ever thought they would have to confront. I doubt it.

It is estimated that about half of Michigan families includes someone with a preexisting condition—about half—everything from heart disease, asthma, to breast cancer. Nationwide, we are talking about 130 million people who could lose their ability to have health insurance if healthcare reform is overturned. Think about that—130 million people.

There is another side effect of overturning healthcare reform. Prescription drug costs could skyrocket. Now, 43 million seniors enrolled in Medicare Part D prescription drug plans are saving money thanks to healthcare reform and thanks to the Affordable Care Act, which helped close the prescription drug doughnut hole—what we call the gap in coverage where you are able to get coverage. Then the coverage is not there for a certain amount of time, and then you can get it once your drug costs get at a higher level.

In fact, healthcare reform saved more than 11.8 million Medicare beneficiaries almost \$27 billion on their prescription drugs—almost \$27 billion on the cost of their medicine. Instead of

attacking healthcare reform, we should be working hard to reduce the ridiculous cost of medicine, as I have talked about many times on the floor of the Senate.

In 2017 alone, the average price of brand-name drugs that seniors often take, just in 2017 alone, rose four times the rate of inflation—four times the rate of inflation according to the AARP. That is one of the reasons why 72 percent of seniors in a recent poll said they are concerned about the cost of their medicine, whether they are going to be able to get the lifesaving medicine they need and that the doctor is prescribing for them.

It is absolutely shameful that people in America, one of the richest countries in the world, are going without medicine they need to survive. How is that happening? How are we allowing that to happen? I have always believed that healthcare is a basic human right, and, yes, that includes medications.

We need to do something about this. We know the No. 1 thing we can do to lower prices is to let Medicare negotiate. Let Medicare negotiate. The fact is, when Medicare Part D was passed, the language that the drug companies got into the bill—specific language—to ban negotiation slipped into the middle of that bill.

We originally were excited about it because we thought it was going to help get Medicare prescription drug coverage, and then, of course, the lobbying force—the largest lobbying force in DC—prescription drug companies snuck in some language to make sure we couldn't have the bargaining power of Medicare insurance to lower prices.

So it is real simple. We want to do something that can lower prices. Let Medicare negotiate. Just let them negotiate like every other insurance company. We know it works because the VA does it for veterans. We know it works. The VA is allowed to negotiate the price of prescription drugs, and, surprise, surprise, it saves money. It saves 40 percent compared to Medicare. Medicare could have saved \$14.4 billion on just 50 drugs if it paid the same price as the VA—\$14.4 billion if they paid the same price for seniors and people with disabilities as our veterans are able to receive.

So what is stopping us? Well, we can't get the bill passed to take off the prohibition. I offered it in the Senate Finance Committee. Unfortunately, not one Republican colleague voted for it. We are going to bring it up again on the floor. We are going to bring it up every opportunity we have to make it clear that we, as Democrats, know—we know the best way to bring down prescription drug prices. Let Medicare negotiate. Just let them negotiate.

We know the reason we can't ever get a vote on this. In 2018, there were 1,451 lobbyists for the pharmaceutical and health product industry. That is almost 15 for every Member of the Senate. Think about that. There are 100

Members, and there are almost 15 pharmaceutical lobbyists for every 1 Senator, and they are doing everything they can. Their job is to stop competition, keep prices high, and they have done a very good job of it. It is wrong for people, but they have done a very good job of what they were assigned to do.

As I mentioned before, back in 2003, when Medicare Part D was signed into law, they blocked Medicare from harnessing the bargaining power of 43 million American seniors to bring down the cost of their prescription medicines. Now, 16 years later, pharmaceutical companies are still doing everything they can to put their company profits before people.

It is time—it is past time to help people afford their prescription medications and protect people with pre-existing conditions. People in America, right now, shouldn't be worried about a court case in the Fifth Circuit and what is going to happen and what that will mean for their family and their healthcare.

We could do something about that right now—today. We could do something right now if people wanted to. Let me remind you that it has now been 167 days since the House passed legislation protecting people with pre-existing conditions. It has been 167 days ago the U.S. House of Representatives passed a bill and sent it over to the Senate, and we have not been allowed to vote on that. It has not been brought up for a vote. It needs to come up for a vote. It needs to be taken out of the legislative graveyard and walked to the floor of the U.S. Senate so we can vote to really protect people with preexisting health conditions.

Misty and other cancer survivors across Michigan and across the country shouldn't have to wait a day longer. This isn't about politics. It is about saving lives.

Misty closed her letter to me with this: "If [these elected officials] are truly as concerned about life as many of them claim to be, they need to be concerned about my life and the life of millions of others with cancer."

Here is my question for the majority leader: What are you waiting for? It is time for us to act. Healthcare is personal. It should not be political on the floor of the U.S. Senate. It is time to act in protecting people with pre-existing conditions and lowering the cost of prescription drugs.

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

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

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwith-

standing the provisions of rule XXII, the cloture motion on Executive Calendar No. 457 ripen at 12 noon on Thursday, October 24; further, that if cloture is invoked, at 1:45 p.m., the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action. I further ask that the mandatory quorum call be waived.

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

MORNING BUSINESS

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

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

NOMINATION OF JUSTIN WALKER

Mr. DURBIN. Mr. President, we have seen too many Trump judicial nominees in recent years who don't know their way around a courtroom. I suspect some of these nominees never even made it through a "Law and Order" episode.

The majority leader is now rushing a floor vote on Justin Walker, nominated to be a district court judge in Kentucky. Mr. Walker was just reported out of committee last week. The Walker nomination is leapfrogging a dozen other judicial nominees who have been on the calendar longer.

The American Bar Association, which does peer review evaluations of nominees, concluded that—Mr. Walker is not qualified to be a Federal trial judge. This is the eighth Trump judicial nominee to be rated "not qualified" by the ABA.

Mr. Walker is 37 years old and has been out of law school for only 10 years. He has never tried a case as lead or cocounsel, whether civil or criminal. He has only conducted a single deposition.

The ABA said that with Walker, "it was challenging to determine how much of his ten years since graduation from law school has been spent in the practice of law."

I find it hard to believe that there is a shortage of experienced, qualified attorneys or State court judges in Kentucky who could hit the ground running as a Federal trial judge. In fact, there is an experienced Kentucky State court judge sitting on the Senate Executive Calendar right now—David Tapp, whose nomination to the Court of Federal Claims I supported in the Judiciary Committee. Why can't we get district court nominees who actually know what they are doing in the courtroom, like Judge Tapp?

Rather than gaining actual courtroom experience, Mr. Walker has spent much of his time in recent years mak-

ing media appearances. In 2018 alone, he appeared on TV or radio 127 times. That is not what we need on the Federal bench.

I will oppose the Walker nomination. He simply lacks the litigation and trial experience to serve as a district court judge.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19-61 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Bahrain for defense articles and services estimated to cost \$150 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,
CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19-61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Bahrain.

(ii) Total Estimated Value:
Major Defense Equipment* \$0 million.
Other \$150 million.
Total \$150 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Refurbishment of the Oliver Hazard Perry Class ship, ex ROBERT G. BRADLEY (FFG 49), spares, support, training, publications, and other related elements of logistics and program support.

(iv) Military Department: Navy (BA-P-SAT).

(v) Prior Related Cases, if any: BA-P-GAL and BA-P-GAV.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.