

the government has created all of these perversities in our healthcare delivery system, but that is what it is. The truth and the reality is almost no one pays either the list or the wholesale acquisition price. Think about it. If you are on Medicaid, you pay zero. If you are on Medicare, you often pay zero—usually, nearly zero. If you have private insurance, it varies enormously from zero to something significantly different, but almost no one pays the price that the Senator from Illinois would require to be posted in all direct-to-consumer advertising.

Think about some of the unintended consequences. The number that would have to be in the ad is way higher than what almost anyone actually pays. Think of what could happen. I can imagine senior citizens sitting there watching an ad. Maybe they see a medicine they actually would benefit from, and then at the end there is some huge number that does not reflect—it doesn't come close to reflecting what the actual cost would be, but it is a big number so that a senior citizen would understandably say: Gosh, I can't afford that. I guess I can't pursue that therapy, even though they might need that. I am sure that is not the intended consequence of this legislation, but I am pretty sure it would happen.

It is also peculiar to me that the authors of this legislation choose to single out a small fraction of the healthcare industry to impose this mandate. Prescription drug spending is about 10 percent of healthcare. Hospitals are about 32 percent, but I haven't seen that we are going to impose this. If you look at the rate of price increases in various sectors of healthcare, you see that actually prescription drugs, over the last 20 years—their increase in prices is considerably less than hospital services and considerably less than medical care services.

Then, of course, we have other sectors in the economy altogether. Are we going to put mandates on colleges, for instance? The rate of tuition increase in colleges is much greater than the rate of increase of prescription drugs in recent years. I haven't heard a proposal yet, but maybe one is coming that would require this of other industries as well.

If I didn't know better, I would think it seems part of a theme to vilify the industry that has developed the therapies that allow us to live longer, healthier, and save lives. Most importantly, maybe it will not lower costs. It is not going to lower costs for consumers. The only way we are going to do that is if we better align the incentives of the consumer and the person paying.

In contrast, by the way, the Finance Committee and HELP Committee reported out legislation that actually would lower out-of-pocket costs for prescription drugs. We have Senator CORNYN's legislation that I think absolutely would lower the cost of consumer prescription drugs. Yet that is

not what is on the floor today from the Senator from Illinois.

Now, despite my policy concerns—and they are serious—I actually think we ought to debate these things. We ought to put this kind of legislation on the floor. We ought to have a debate. We ought to have a vote, but this is complicated, and it is fraud. We should not be trying to just pass this by unanimous consent. This legislation has not gone through committee, and contrary to my colleague from Illinois—this actual piece of legislation has never had a vote as a freestanding matter. A version of it that is different from what is being offered today was buried in a larger legislation which passed. That is not the same as scrutinizing this policy, subjecting it to amendments, and deciding on it. That is what I think we ought to do.

Unlike my colleagues on the other side who have been consistently preventing us from taking up legislation, such as the approps bills they have not allowed us to get on to or the SECURE Act, on which I offered a unanimous consent process for us to take up and process, I think we ought to consider this legislation, even though I don't think I would support the final product.

What I suggest we do is let's move on to the Defense appropriations bill. Arguably, the most fundamental responsibility of Congress is to fund our national defense. Let's make in order as the first amendment after the managers' amendment the amendment of the Senator from Illinois that he has just described. I don't support it, but I support his right to have a debate and have a vote. Let's go on to an appropriations bill and let's make his amendment in order as the first amendment. We can debate it; we can vote it; and we will all live with the consequences. I think that is what we are here for. I think the purpose of the Senate is to take on these issues, put them on the floor, have a debate, and have a vote. I am willing to live with the outcome of that.

Mr. President, I ask that the Senator from Illinois modify his request and that the Senate proceed to the immediate consideration of Calendar No. 132, S. 1416. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn and that the Cornyn amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table; and finally, that following disposition of S. 1416, the Senate proceed to the immediate consideration of H.R. 2740, and following the offering of a substitute amendment by Senator SHELBY or his designee, the first amendment in order be an amendment offered by Senator DURBIN or Senator GRASSLEY, the text of which is identical to S. 1437, as amended, which is at the desk.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. DURBIN. Reserving the right to object.

I am not a zoologist, so I don't know if crocodiles can cry, but I am very concerned about the argument the Senator from Pennsylvania made. He is actually standing here, in defense of senior citizens, by objecting to disclosing the list price that the pharmaceutical companies charge for these drugs. I didn't choose that price; they chose that price.

Mr. TOOMEY. Will the Senator yield?

Mr. DURBIN. I will not yield until I am finished.

I said they could put a disclaimer on that saying maybe you will not pay the full list price depending on your insurance or coverage, but to argue that you are standing here in defense of senior citizens and denying this information to them and that the only way we can consider this measure is call up the Department of Defense appropriations bill—from where I am standing, this measure, which passed the Senate without your objection last year, should pass now with the underlying legislation. Let's get this done in a comprehensive way to help seniors, and let's not stand in defense of pharmaceutical companies. They have plenty of people to defend them.

The PRESIDING OFFICER. Does the Senator object to the modification?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request from the Senator from Illinois to modify his request?

Mr. TOOMEY. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the Senator from Texas?

Mr. SCHUMER. Reserving the right to object.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I am so glad to be out here today to deal with the issue of reducing prices on drugs for seniors and others. There are so many things we must do. Some are small. Some are large. We want to do all of them.

We Democrats know how bad drug prices are for seniors. We know how bad the sabotage of our healthcare system is for seniors. If you don't have insurance, you probably can't pay for the drugs no matter what happens.

I would say to my good friend the Senator from Texas that we have a whole lot of legislative ideas, not just his. He demands his. It is good, but it is hardly large. There are millions and millions who need help who are not affected. The Senators from Illinois and Iowa have a bill to lower prescription drug costs. The HELP Committee has a bill that would help community health centers. The Senate Finance Committee has a good bipartisan bill to lower costs for seniors who are very

strong supporters of allowing Medicare to negotiate prices. That would do more than anything else.

I ask my friend from Texas, Will he get his leader and himself to allow us to bring an amendment to a bill on the floor that protects seniors who have preexisting conditions from their insurance companies withdrawing from them? Will he let us do that? That is far more consequential than his well-intended good but not largely effective bill. The No. 1 thing—ask AARP—the No. 1 thing that will protect senior citizens and others from high drug prices is to allow Medicare to negotiate with them, something the Senator has blocked repeatedly. Will he change his position?

Let's not have this charade, this manipulative charade, where my dear friend from Texas comes to the floor with a bill he proposes but blocks everything and his party blocks everything that would have a far larger consequence.

No. 1, allow Medicare to negotiate. Every Member of our caucus is for that. It will lower drug prices dramatically. No. 2, stop the administration—the administration the Senator from Texas supports 95 percent of the time—even my microphone is excited about these remarks. I, once again, thank our capable staff who always come to the rescue.

We need Senator CORNYN to come to the rescue of senior citizens and not play a little game like this. Again, pre-existing conditions are probably the No. 1 bane of people. We want to bring an amendment to the floor to protect those people—a mom whose daughter has cancer, and the drug company says, “You’re off,” and the insurance company says, “You’re gone.” Isn’t that important? Let’s not make a comparison, but wouldn’t it do far more for the health of the American middle class and working people than this bill? Let’s do them both, but we are not going to cherry-pick one unless the Senator from Texas walks across the aisle and joins us in saying: I want to help you get a vote on eliminating pre-existing condition prohibitions. I want to join you in seeing that Medicare can negotiate with the drug companies and greatly lower prices.

So, of course, I object. We Democrats believe we should bring a bill to the floor that has a debate and allows amendments because there is so much to be done here—not one small, decently put together and decently intended proposal but many more. We know, if we allow our Republican friends to just pass their little bills, we will never get the big picture done. That is how this place works. So let’s come together and do it all.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, like the minority leader, I hope we are able to pass a larger bipartisan package this

year. I serve on the Finance Committee—

Mr. SCHUMER. Would the gentleman yield for a question?

Mr. CORNYN. After I am through.

Mr. SCHUMER. Thank you.

Mr. CORNYN. I serve on the Finance Committee and on the Judiciary Committee, where this bill came from, and I know Senator MURRAY and Senator ALEXANDER have a package out of the Health, Education, Labor, and Pensions Committee. I welcome the opportunity to have those bills come to the floor and to offer amendments and debate them and pass them because I agree that the country would benefit by bringing down healthcare costs, by bringing down prescription drug costs, and I believe that work is long overdue, but my bill is not going to sink the prospects of that larger package of legislation.

What we have in front of us is an uncontested, bipartisan bill that we can pass today. Let’s pass it. Let’s not let the perfect be the enemy of the good. What I hear the minority leader saying is that it is either everything or nothing.

Mr. SCHUMER. Will the Senator yield for a correction?

Mr. CORNYN. Mr. President, I will yield for a question after I am through talking.

When there is a statement, in effect, of “I want everything to be done now or there will be nothing done at all,” do you know what happens? Every single time that argument is made and that position is taken, nothing happens. Nothing happens. That is what people hate about Washington, DC, and when they look at C-SPAN, if they do look at C-SPAN, and see these debates. It is everything or nothing.

The Democratic leader, who has now objected to the unanimous consent request to take up and pass a bill that he has called good and well-intentioned and has said is not large, has objected to it. I think the only people who would be rejoicing at this very moment would be the very same people who are gaming the patent system and who are keeping the out-of-pocket prices of prescription drugs high for seniors. Those are the people who are popping champagne corks right now because this is nothing more than a big, wet kiss for the people who are gaming the patent system right now to the detriment of the American people.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CORNYN. I yield to the Democratic leader.

Mr. SCHUMER. Would the Senator support a unanimous consent request so that we could protect people with preexisting conditions, and would he support bringing that to the floor in the same way?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would say to my friend the Democratic leader that I support coverage for preexisting

conditions, and I am not aware of anyone in the Senate who opposes it. If such a bill is scheduled for a vote on the floor, I will be more than happy to participate in that process.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Will the Senator support a proposal that is coming out of the House to allow Medicare to negotiate with the drug companies to greatly lower prices?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, in speaking through the Presiding Officer, I say to my friend that nothing gets done around here unless it is bipartisan. Right now, the bill that the House has sent us is one that divides people along party lines, which means it is unlikely we would build the bipartisan consensus we would need to get it done in the Senate. I am more than happy to engage in that debate and to vote on amendments on such a bill, but I am not going to agree to price-fixing by the U.S. Government, which will make more scarce and less available the lifesaving prescription drugs that many people need. Yet I am happy to engage in that debate, to vote, and to let the Senate and Congress work their will.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I thank my colleague for his answers.

I would say this: Let him use his power and position as leader to go to the majority leader, who has prevented any debate on anything on drugs to come to the floor, including these two most significant issues that I have talked about. Let us put a package together of all three and have a debate on each, a “yes” or “no” vote on each, and really make progress for those who are paying too much in drug prices. I await his working with me on that. Then we could bring all three bills to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, as always, I am happy to work with the Senator from New York on things on which we find our interests aligned. Obviously, there are going to be things on which we disagree. Frequently, there are. Yet he and I have worked together on legislation on which we have been able to find enough common interest to be able to build a consensus and get things done. They call that “legislating” around here.

There are other things that we should be doing here on a bipartisan basis. For example, taking up and passing the appropriations bills, including the Defense appropriations bill, so our U.S. military can remain the most powerful, the best equipped, the best trained, and the best led military in the world. That is of overwhelming importance. Yet our colleagues on the other side have objected to and have blocked, on at least two occasions, that

Defense appropriations bill. Now we have a short-term continuing resolution that expires this November 21. I am told or have read that there is likely to be a follow-on continuing resolution that takes us up to December 20, but that is important work, too, because none of us wants to see another government shutdown. No one wins with government shutdowns.

This sort of gamesmanship that occurs by blocking bills that should have support by overwhelming bipartisan numbers in the Senate is important, too—things like paying the military, making sure that it maintains its readiness to fight and win the Nation's wars, and even more importantly, making sure it keeps the peace.

I know the majority leader has a challenge in trying to figure out how to schedule legislation on the Senate floor, but it certainly doesn't help when our Democratic colleagues repeatedly object to things like appropriations bills and put us into this dysfunction when it comes to paying the Federal Government's bills.

I would say to my friend from New York that I am always happy to work with him and with any other Member in the Senate, no matter what one's political party is and no matter what one's ideological persuasion is, because I actually believe we were sent here to solve problems and to get things done.

What I dislike and what I am disappointed about is the dysfunction that we see in the U.S. Senate, whereby, even though it is less than a year before the election, politics have overwhelmed our ability to get things done. I came to the floor to say that maybe we can't do all of this right now, today, but we can do this, and let's build on it once we have gotten the bill passed.

I am disappointed that the Democratic leader has seen fit to object to passing this bill that he himself called good and well-intended and that is supported by organizations like the American Association of Retired Persons. I do not understand it, but maybe somebody else does. Their saying that we can't do something because it doesn't include everything we want to do here, right now, is disappointing to me, and I don't think it is what the American people sent us here to do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

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

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

Mr. SCHUMER. Mr. President, I thank my colleague for the interchange, and it will continue. We Democrats will not rest until we get votes, simple votes—not bring the house down—on issues of great consequence with regard to drug prices and the American people while the other side blocks them.

IMPEACHMENT

Mr. President, as we speak, the House Intelligence Committee is con-

ducting the first day of public hearings in its impeachment inquiry into President Trump.

The list of witnesses this week includes several key figures with knowledge of the events in question. While most of the witness requests from House Republicans were non sequiturs, or individuals who would have no knowledge of the President's actions nor of the allegations against him, three of the individuals requested by the Republicans were agreed to and are slated to testify next week. The idea that the Republicans and the President have no due process and can't call witnesses or influence the process is simply inaccurate.

As the impeachment inquiry in the House begins a new phase today in its pursuit of the facts, we have a serious responsibility here in the Senate not to prejudge the case but to examine the evidence impartially. We have a responsibility to let all of the facts come out and, as they do, to keep an open mind and let ourselves be ruled by reason rather than by passion or partisanship. As public hearings in the House begin, we would do well to remember our constitutional duty to act as judges and jurors in a potential trial when and if it comes to one. That is not to say we won't even read the transcript, and that is not to say the vote would come out this way. Yet, as jurors, we will be as dispassioned as each of us can be.

TURKEY AND SYRIA

Mr. President, on another matter, President Trump will roll out the red carpet today for President Erdogan, of Turkey, as he visits the White House after everything that has transpired over the last few months. This is after President Trump green-lit Turkey's reckless and destabilizing invasion of northern Syria, after Turkish troops and their proxies committed atrocities against civilians and the Syrian Kurds, who are our former partners in the fight against ISIS, and after Erdogan cut a deal with our adversary President Putin and threatened our allies in Europe with the release of ISIS's detainees.

The fact that President Trump will reward President Erdogan with an Oval Office meeting today is mind-boggling. The meeting will serve as a very public example of how President Trump has mismanaged the situation in Syria and, most importantly, how he has complicated and slowed the effort to secure the enduring defeat of ISIS. It is ISIS that creates the greatest danger to our American homeland. As al-Qaida did before it, it will try to create huge damage. We in New York know that this can sometimes, unfortunately, occur. God forbid it happens again.

Yet, holy mackerel, the President has no plan for ISIS; detainees are escaping; and the Turks are far more upset with the Kurds, who have been on our side with ISIS, than they are with ISIS. Erdogan suppresses free speech, arrests opponents, and does so many

other terrible things to his country, which was once a much more shining example of democracy—and the President invites him here? Does the President have no sense of value? Does the President have no sense of morals? Does the President have no sense of what affects American security? It is appalling.

AGRICULTURE

Mr. President, on agriculture, a report issued yesterday by the Democratic minority on the Committee on Agriculture, Nutrition, and Forestry shed new light on troubling disparities as to how the Trump administration has treated farmers through the Department of Agriculture's Market Facilitation Program.

Farmers in need of Federal aid have leaned on this program to offset losses that have been caused by retaliatory foreign tariffs. In an industry in which margins are sometimes very thin, this support makes a real difference for struggling farmers across the country. Yet, rather than helping those farmers who are the most in need, the Trump administration, through this program, is picking winners and losers by using a flawed methodology to favor certain regions over others and wealthy agricultural conglomerates over small farmers.

The whole idea of the program is to help small farmers throughout the Middle West, particularly those farmers with soybeans and corn and hogs. The bulk of the program went to five Southern States. Ninety-five percent of the top payments defined as \$100 or more per acre all went to counties in Southern States. Where did the lowest payments go? They went to the counties in the Midwest even though the Midwest has suffered greater losses overall.

Instead of coming up with a strategy to help smaller and less established farms, which are often more vulnerable during tough economic times, the Trump administration has doubled the payment caps for row crops while having left other caps in place. This will disproportionately funnel money to the largest farms in America while it will limit aid to smaller farms.

Most concerning, however, is that our study shows the Trump administration has awarded tens of millions in purchase contracts to foreign-owned companies, including a large beef factory in Brazil. Instead of ensuring that aid goes to American farmers, the Trump administration has been handing millions of taxpayer dollars to foreign agribusinesses.

This program was put together on the spur because the President was worried about political effects with, particularly, soybean farmers but with others, too, in the Middle West. Yet it was put together so poorly—in such a slipshod and unthought-out manner—that cotton farmers do the best of all even though their prices are not hurting the way soybean or corn or hog prices are.