

that this new law could help Americans save money in nearly one out of four prescription transactions in a pharmacy.

Another bill I authored in 2017 to promote more competition from lower price but equally effective generic drugs is also showing results. To date, the FDA has granted nearly 200 application requests under the new expedited pathway established by this law, with 12 approvals. That is a much faster pace than in the past.

In June, the HELP Committee reported out the Lower Healthcare Costs Act, which incorporates more than 14 measures to increase drug price competition. I am pleased to say that it includes major portions of the Biologic Patent Transparency Act that I authored with Senator Kaine, and that is cosponsored by Senators Braun, Hawley, Portman, Shaheen, Stabenow, Paul, and Murkowski. It is intended to prevent drug manufacturers from gaming the patent system. It requires earlier and greater disclosure of the web of patents held by biologic manufacturers, thus making it easier for biosimilar competitors to develop more affordable alternatives without being stymied by the filing of last-minute patents.

According to former FDA Commissioner Scott Gottlieb, if all of the biosimilars that have been approved by the FDA were successfully marketed in the United States in a timely fashion, Americans would have saved more than \$4.5 billion in 2017.

The fact that a biosimilar version of HUMIRA—the best selling drug in the world—has been on the market in Europe for more than a year while American patients must wait until 2023 is a clear example that the biosimilar market is not working as it should.

The Lower Healthcare Costs Act also includes the CREATES Act—a bill that I know Senator Grassley has been very involved in. It addresses the anti-competitive practices of companies that delay or even block access to a sufficient quantity of the brand-name drug needed to conduct the bioequivalence test required by the FDA as part of the generic drug approval process. This addresses one of the major problems identified by the Aging Committee when we looked at this issue starting in 2016, examining the explosion in prices of prescription drugs for which there is no generic equivalent. I am pleased that we are on the verge of taking action to combat and stop this unfair practice.

The HELP Committee bill also requires significantly more disclosure on the costs, fees, and rebate information associated with PBM contracts; that is, prescription benefit managers. I know the Finance Committee bill does as well.

As I mentioned previously, the Finance Committee passed the Prescription Drug Pricing Reduction Act—landmark legislation that would save taxpayers more than \$100 billion and

save seniors more than \$30 billion in out-of-pocket costs for their prescriptions. I strongly support this bill because it strikes the right balance between reducing out-of-pocket costs for consumers without hindering innovation and investment in the next life-saving medications.

The Finance Committee bill also makes crucial improvements to Medicare Part D, such as protecting seniors with an out-of-pocket spending cap—another long overdue change that would ensure that patients with high-cost conditions, such as cancer, multiple sclerosis, and rheumatoid arthritis, can get the medications they need. Furthermore, the bill would protect taxpayers from higher than inflation increases in drug prices, while reducing government spending, premiums, and overall out-of-pocket costs.

The Judiciary Committee has also advanced proposals that would empower the Federal Trade Commission to take more aggressive action on anti-competitive behaviors.

These are three worthwhile pieces of legislation that should be brought to the Senate floor. The work of the Finance Committee, the HELP Committee, and the Judiciary Committee is a tremendous breakthrough that would make such a difference to the American people.

As we continue to find further consensus and a path forward on each of these bipartisan bills, I hope we can also look for additional improvements. For example, as cochairs of the Senate Diabetes Caucus, Senator Shaheen and I, along with Senators Cramer and Carper, have introduced legislation to address flaws in the system that have allowed pharmacy benefit managers and manufacturers to implement what are truly unscrupulous price increases on lifesaving insulin. I also support a measure introduced by Senators Klobuchar and Grassley to prohibit brand-name drug companies from compensating generic drug companies to delay the entry of a less costly but equally effective generic into the market. That is referred to as “pay for delay.” I am amazed that it is not already illegal under our anti-trust laws. This bill would make it clear that this tactic is no longer permitted.

Congress has a tremendous opportunity to deliver a decisive victory in both lowering healthcare costs and improving healthcare for the people in my State of Maine and throughout America. If we want new medicines to reach consumers who need them, the companies that invest in research and take the risks necessary must see a fair return on their investment, but at the same time, we can no longer allow the price manipulation and the market distortions to continue at the expense of the most vulnerable Americans and their families and ultimately at the expense of every American taxpayer.

We can act to make a real difference in the lives of Americans whose health depends on affordable prescription

drugs. The required policy solutions will not come in the form of a miracle but through hard work and continued bipartisan cooperation.

Let us come together. I urge all of my colleagues to join in supporting the measures we have worked so hard on and that the HELP Committee, the Finance Committee, and the Judiciary Committee have all reported, on a bipartisan basis, recognizing the hardships imposed on the American people. Let us bring these bills to the Senate floor expeditiously.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

NATIONAL DEFENSE AUTHORIZATION ACT

MR. CRAMER. Mr. President, I come down to the Chamber today to talk a little bit and highlight the vast differences in the priorities between the two Chambers in the U.S. Congress today.

Several of my colleagues will be down here a little later today to talk about and to encourage the passage of the National Defense Authorization Act—a bill, by the way, that passed the Senate in a very strong bipartisan way, reflective of strong bipartisan input, in a vote of 86 to 8. The House also passed their version of the National Defense Authorization Act on more of a party-line vote.

The point being, both Chambers have passed it; the reconciliation of the two bills has begun; the negotiations have begun, but they have been stalled. I think it is a strong reflection of the differences between the two Chambers.

First, I will talk a little bit about why it is important that we do this job. First of all, there have been 58 years in a row that the NDAA has passed the House and the Senate and signed into law. Why? Well, because it is the highest priority of the government—of all the bills we do every year, apart from and very close to appropriations, would be authorization of our national defense programs. That is why it has happened 58 years in a row.

It is important for a number of reasons. One of the things that both the House version and the Senate version of the NDAA does is highlight the importance of space with the creation of a Space Force, as we call it in the Senate, and Space Corps, as they call it in the House. Nonetheless, it is similar, and it represents and recognizes the importance of space domain as a warfighting domain going forward, a priority that our near-peer allies have already recognized in their policies.

Without NDAA passing, that goes by the wayside for at least another year. It also fully funds several national priorities, not the least of which is, of course, the largest pay increase in 10 years for our men and women who wear the uniform.

On a more local level for me, it authorizes the modernization of our nuclear fleet, including the ground-based missiles known as the ICBMs that we have 150 of in North Dakota at Minot.

It modernizes this system, which is several decades old. If we need anything, we need to modernize our weapons systems again to keep pace with our near-peer adversaries.

It also authorizes millions of dollars in funds to the national Global Hawk mission, which is headquartered in Grand Forks, another very important Air Force base in my State. It authorizes funds for the MQ-9 program. MQ-9s are flown by North Dakota Air National Guardsmen in Fargo's Happy Hooligans. It also advances the mission of the Cavalier Air Force Station in Cavalier, ND, one of the very few space radar stations, and it ensures that the needs of all our Guard operations are met.

The House bill, by the way, also does something that is very important to me. It is a bill I have introduced, along with my colleagues from New York, that honors the 74 sailors who lost their lives in the *Frank E. Evans* 50 years ago during the Vietnam war. These sailors' names have been left off the Vietnam Memorial Wall over a minor technicality, a technicality that probably shouldn't be in the rules to begin with, but certainly it has been waived in many other circumstances and needs to be waived in this NDAA. I would love to get that House language into the final bill.

None of these priorities are going to be met if House Democrats—and I focus on House Democrats—if they don't come to the table and act in good faith and negotiate in good faith. Senate Democrats have had a major part in this, and I welcome every bit of involvement they provide.

One of the joys of being on the Armed Services Committee for me has been being able to see a functioning committee that works well across party lines. Obviously, Senate Republicans are all on board. House Republicans are all on board. For some reason, the House leadership on the Democratic side is focused on other priorities, and the contrast could not be more clear.

While we have been working hard in the Senate on appropriations, as well as the Defense authorization, our chairman has used his voice—Chairman INHOFE—and used his incredible work ethic and his wisdom in working with Senator REED, the ranking Democrat, on getting these priorities to the forefront. I can't think of a better tandem than those two gentlemen.

Chairman INHOFE is truly one of the hardest working, most decent, and honorable people I have ever worked with. Chairman SMITH, the chairman in the House committee, could learn a few things from him.

Again, while we passed the bill with overwhelming bipartisan support, the House bill was a much more partisan exercise. We want to prevent a government shutdown. We want to prevent a continuing resolution. So along with the NDAA, of course, is the Defense appropriations bill, and we have to get both of them done. We want to give our

military a win-win situation, where they get the pay raises, where they get the modernization they need, where new programs can be launched, and where we can provide long-term certainty.

While we are trying to provide at least a win for our military, Democrats in the House are focused on trying to win the 2016 Presidential election, not even thinking so much about the next one. They are involved in a kangaroo court over there. I watched a half hour of it today, and I could hardly believe what I was seeing. Today's political theater in the House is unnecessary, and 3 years into it, it is an outward demonstration of the inward motivation of a party that is trying to undo the Presidency of Donald Trump.

Instead of prioritizing our constitutional responsibilities, they are engaged in political theater in a kangaroo court. I am pleading, once again, with my colleagues across the aisle and especially across the Capitol, in these last couple of days, while the negotiators are together trying to figure out a path forward, please come to the table, please act in good conscience. Please, please, please look for opportunities where we can compromise, and, for Pete's sake, let's at least pass the things we all agree on.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

NOMINATIONS

Mr. HEINRICH. Mr. President, earlier today, we were asked to vote on the confirmation of Chad Wolf to serve as the Under Secretary for Strategy, Policy, and Plans at the Department of Homeland Security. Mr. Wolf has been serving in that role on an acting basis since February.

Because of the way the Trump administration functions, or fails to function, what we were really being asked to do today was to confirm Mr. Wolf to a position so the President can then promote him to Acting DHS Secretary. This comes on top of most appointed positions at the agency going unfilled or only filled with similarly temporary acting roles.

Before we all throw our hands up in the air and simply add this vote to the growing list of broken norms and incompetent actions on the part of the Trump White House, I would like us to consider what is at stake in this particular case. I beg us to take seriously the human toll that has been incurred because of this administration's willful chaos at the Department of Homeland Security.

The Department of Homeland Security is the Nation's third largest Federal agency, behind only the Pentagon and the VA. The agency oversees disaster relief, transportation safety, counterterrorism, and immigration and

border security. According to a report in the Washington Post, Mr. Wolf is the favored pick of senior Trump adviser Stephen Miller to take over as Acting Homeland Security Secretary. That should tell us about everything we need to know.

Stephen Miller has been the lead architect of the White House's immoral and anti-immigration policies over the last 3 years. The Senate should have taken this vote as a reason to examine how this administration has spent the last 3 years flouting our Nation's laws and our Nation's values through its intentional chaos at the Department of Homeland Security.

We should do our jobs and give an honest accounting of this administration's inhumane and, frankly, ineffective policies—policies, it should be said, that Mr. Wolf has been right in the middle of each step of the way. Instead, the Senate voted to confirm Mr. Wolf in this sham process to a position we weren't even sure he will serve in. This is shameful.

Now that the Senate has confirmed Mr. Wolf to the Under Secretary position and as we anticipate Mr. Trump moving him into the Acting Secretary role, I ask my colleagues to please consider his record. We know Mr. Wolf played a central role in authoring and implementing the family separation policy. We don't fully understand how much he did to implement President Trump's other harmful immigration policies because the Department of Homeland Security has stonewalled and refused to provide key documents to the Senate on his tenure before we took the vote this morning.

However, given his major role with Secretary Nielsen, it seems safe to assume that Mr. Wolf was involved in many of the administration's policy failures. Under these policies, thousands of children, as young as infants and toddlers, arriving at our Nation's southern border have been separated from their families. We have seen migrant families and children held in appalling, overcrowded, some say prisonlike—I would say prison facilities—immigration detention facilities like those in Clint, TX, that we saw in the media.

The Trump administration has also throttled major ports of entry where refugees present themselves for asylum as is actually dictated by current U.S. law. This has resulted in huge groups going instead to remote and dangerous stretches of the southern border. We have tragically seen that result in the deaths of several children in New Mexico near some of our remote ports of entry that lack even the most basic medical infrastructure.

We have seen President Trump play politics with the lives of thousands of refugees and asylum seekers, mothers, fathers, and children who are desperately seeking refuge and the prospect of a better life in this country.

We have seen the President even go so far as shutting down the government and stealing billions of dollars of