



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, DECEMBER 11, 2019

No. 198

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARSHA BLACKBURN, a Senator from the State of Tennessee.

### PRAYER

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

Let us pray.

Almighty God, we are reminded at this time of year of the greatness of Your gift to us in sending Your Son. Use us as instruments for His glory. Because of our faith in You, make us bold as lions in these turbulent times.

May our lawmakers work together to protect and defend our Constitution, realizing, as iron sharpens iron, so friends sharpen friends. Lord, make our Senators grateful for the fires in our Nation's history that have tested their commitment to freedom, providing them with opportunities to become profiles of courage, serving their generation with faithfulness.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 11, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARSHA BLACKBURN, a Senator from the State of Tennessee, to perform the duties of the Chair.

CHUCK GRASSLEY,  
President pro tempore.

Mrs. BLACKBURN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. McCONNELL. Madam President, I ask unanimous consent that following the disposition of H.R. 2333, the Senate proceed to executive session and resume consideration of the VanDyke nomination; further, that the postcloture time on the VanDyke nomination expire at 4:15 p.m. today and the Senate vote on the confirmation of the nomination; further, if confirmed, that the motion to reconsider be con-

sidered made and laid upon the table and the President be immediately notified of the Senate's action; further, that following the disposition of the VanDyke nomination and notwithstanding the provisions of rule XXII, the Senate vote on the motions to invoke cloture on the Sullivan, Hahn, and Skipwith nominations in the order listed; finally, that if cloture is invoked on the Sullivan, Hahn, and Skipwith nominations, the confirmation votes occur at a time to be determined by the majority leader, in consultation with the Democratic leader, on Thursday, December 12.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATE LEGISLATIVE AGENDA

Mr. McCONNELL. Madam President, it is no secret that Washington Democrats have been itching to impeach President Trump since the moment he took the oath of office. Remember the Washington Post's headline on Inauguration Day in 2017: "The campaign to impeach President Trump has begun." That was the Washington Post's headline on Inauguration Day in 2017.

Just a few months later, in April of 2017, one leading House Democrat had already made up her mind. She declared she would "fight every day until he's impeached." As an aside, this same senior Democrat is one of the committee chairwomen whom Speaker PELOSI asked to help lead the impeachment process. She was literally standing at the Speaker's shoulder as she announced yesterday that she will bring two articles of impeachment up for a vote. Yet she had had her mind made up more than 2 years ago, long before this supposedly fair inquiry. This is sort of emblematic of their whole process.

House Democrats announced yesterday that they will rush ahead and prepare to send the Senate articles of impeachment based on the least thorough and most unfair impeachment inquiry

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



Printed on recycled paper.

S6957

in modern history. Well, the House Democrats' denigration of their solemn duty will not cause the Senate to denigrate ours. If the House continues down this destructive road and sends us articles of impeachment, the Senate will take them up in the new year and proceed to a fair trial.

Now, in the meantime, our colleagues' obsession with impeachment has left us with a host of important, bipartisan legislation that is still unfinished at this late date.

For months, Senate Republicans have been calling on our Democratic colleagues to go beyond picking fights with the White House and actually legislate for the American people. Yet, for practically the entire autumn, our Democratic friends' political calculation seemed to be that these vital pieces of business could wait until the eleventh hour because impeachment was the higher priority—and wait they have.

Finally, after weeks of pressure from the Republicans and from hard-working Americans across the country, Speaker PELOSI backed down yesterday and announced that she will let the House vote on President Trump's USMCA. The Democrats have stalled this agreement for so long that it is now impossible for the USMCA to become law in 2019, especially given all of the other urgent things they have stalled right alongside it. The Democrats have simply run out the clock. Assuming the House Democrats send us articles of impeachment next week, a Senate trial will have to be our first item of business in January. So the USMCA will continue to be a casualty of the Democrats' impeachment obsession for several more weeks before we can actually turn to it. Yet I am glad the Speaker is finally beginning to bring her USMCA obstruction to a close.

As we triage in the coming days, the Republicans hope we will be able to pass not only the NDAA conference report but also government funding legislation that allocates taxpayers' hard-earned money to urgent Federal priorities. The NDAA has consistently brought Members together from across the political spectrum—and with good reason—in that it gives Congress the opportunity to set priorities for the U.S. military of the future. The NDAA helps to guide the Pentagon's investments in modernization and readiness, cutting-edge weapons and capabilities, and in servicemembers and military families.

I am grateful for the efforts by Chairman INHOFE and Ranking Member REED, who made compromises from the beginning and worked hard to ensure the conference report remained true to the 58-year tradition of a bipartisan bill that prioritizes our military and sets aside unrelated partisan priorities.

I cannot say the same thing about the Democrats in the House, unfortunately, but I hope they will learn from this year's difficult path to a con-

ference report. Next year, I hope they will produce a bipartisan bill from the beginning that will put our national security interests first. Now, obviously, that authorizing legislation should be paired with the appropriations measure that will actually fund our service-members' tools and training and enable our commanders to actually plan ahead.

I am grateful for the hard work by Chairman SHELBY, his counterpart in the House, and our subcommittee chairs to reboot a stalled appropriations process and try to get bills over the finish line in the short time that remains.

To be frank, only a laser focus from both parties in both Chambers on getting results will create a path to pass appropriations bills this year. There is simply not the time left for my Democratic friends to continue hagglng over the exact kinds of poison pills, partisan policy riders, and Presidential transfer authorities that the Speaker and the Democratic leader had explicitly agreed months ago would be off the table. Under the agreement months ago, these were supposed to be off the table.

The White House, Republican leaders in both Chambers, and the Democratic leaders in both Chambers all agreed to these parameters—literally pledged in writing that these kinds of partisan roadblocks would be kept out of the process. So if all parties honor what they agreed to, we should have an opportunity to agree on government funding in time to make this a law this month, which means next week.

Now that our Democratic colleagues are back at the table, Senate Republicans stand ready to do all we can in the time we still have. Let's end this legislative year on the right foot. Let's deliver for our All-Volunteer Armed Forces and for families all across our country.

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

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

#### PRESCRIPTION DRUG COSTS

Mr. THUNE. Madam President, over in the House this week, Democrats are taking up the latest installment in their campaign to have the government take over Americans' healthcare: the Pelosi prescription drug bill.

There is no question that high prescription drug costs are a problem. One in four seniors reports difficulty affording medications, and there are too many stories of patients being forced to ration pills or to abandon their prescription at the pharmacy counter. But the Pelosi drug bill is the wrong prescription for the problem of high drug prices. Why? Because it would reduce Americans' access to lifesaving treat-

ments and discourage investment in prescription drug research.

Between 2011 and 2018, more than 250 new medications were introduced worldwide. American patients have access to nearly all of them, but that is not the situation for patients in a lot of other countries. The chamber of commerce reports that patients in France have access to just 50 percent of those new drugs. French patients, in other words, are missing out on fully half of the new drugs that have been introduced in the past 8 years.

Why do Americans have such tremendous access to new drugs while other countries trail behind? Because the U.S. Government doesn't dictate drug prices or drug coverage. As statistic after statistic demonstrates, when governments start imposing price controls, patients' access to new drugs and treatments diminishes.

Government price controls also discourage the medical research and innovation that produce the prescription drug breakthroughs of the future. The United States leads the world in prescription drug innovation, and a big reason for that is because the U.S. Government doesn't dictate drug prices.

It wasn't always this way. European investment in drug research used to exceed U.S. investment, but that changed when European governments stepped in and started imposing price controls. Today, European investment in drug research and development is almost 40 percent lower than U.S. investment, in large part because of European governments' price controls.

No other country comes close to achieving the number of prescription drug breakthroughs that companies in the United States achieve. That situation, however, is not going to last if the Democratic Party has its way.

The Pelosi drug bill would impose a system of government price controls on up to 250 medications, and reduced access to drugs and fewer medical breakthroughs would soon follow.

The California Life Sciences Association released a statement noting that the Pelosi drug bill could result in "an 88-percent reduction in the number of drugs that are brought to market by small/emerging companies in California." It goes on to say that "such a dramatic decline would be felt most in the higher risk/smaller population therapeutic areas of R&D, including new drugs for endocrine, metabolic, genetic and rare diseases, and pediatric cancers." Again, that is from the California Life Sciences Association. In other words, there would be fewer medical breakthroughs for those who need them the most.

As I said earlier, the high cost of some prescription drugs can be a real problem for many families, but the answer—the answer—is not to introduce a government-run pricing system that would mean that important prescription drugs would not be there when you or your child needs them.

There are a lot of things we can do to lower the cost of prescription drugs