

without resorting to government price controls. Multiple Senate committees have been actively engaged on this topic. There are options for how to improve transparency in a complicated and often opaque drug-pricing process. There are ideas to examine competition and consolidation in the pharmaceutical supply chain; to ensure that generic companies can access the samples they need to develop a new generic or biosimilar; to prevent companies from engaging in patent thicketing to block competition; to promote real-time benefit tools to help inform consumers of cheaper drug options; to advance value-based insurance design to support coverage of high-value items and services, like medicines, that people with chronic conditions need to manage their health; and to modernize the Medicare Part D plan design and cap seniors' out-of-pocket costs.

Republicans in the House recently introduced legislation on prescription drug costs that both promotes innovation and contains bipartisan ideas for reform, including increased transparency in drug pricing and provisions to prevent drug companies from gaming the system. This bill provides several ideas passed by the Senate Finance Committee, while focusing on policies that can be passed through both Chambers of Congress. Importantly, it eliminates those policies that have divided us.

There are bipartisan solutions on the table. It is unfortunate that House Democrats have abandoned bipartisan efforts on drug pricing and have decided to pursue their government-run alternative.

It boils down, really, simply to this: Government price controls mean access to fewer drugs, and access to fewer drugs means that when you or your child or your mom or your dad needs a lifesaving medication, that drug may be out there, but it may not be out there for you, and that is not acceptable.

The Pelosi drug bill is a bad prescription for the American people.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

JERSEY CITY SHOOTING

Mr. SCHUMER. Mr. President, before I begin, I want to express deep sympathy for the families and the victims of the shooting yesterday in Jersey City, which left one fallen police officer, Detective Seals, and several bystanders as victims. My heart goes out to their friends and family today.

Local and Federal law enforcement must investigate quickly and professionally so we can implement the best responses. We are not sure yet if this was motivated by hate or if it was criminal in nature, but whatever the answers, rest assured the response must be swift, sure, and strong.

IMPEACHMENT

Mr. President, now on impeachment, yesterday, the House Judiciary Committee announced two Articles of Impeachment against the President of the United States. The articles allege that President Trump abused the office of the Presidency by soliciting the interference of a foreign power in our elections to benefit himself personally. They also allege the President obstructed Congress in the investigation of these matters.

The President has had every chance to defend himself against these allegations. He has had every chance to rebut the specific evidence that was presented in the House. If there is information or a witness who the White House believes can provide exculpatory evidence in defense of the President, nothing is stopping them from testifying under oath. But if the President is so innocent, if this is a mere witch hunt, then why isn't he answering the specific charges? Why is he blocking witnesses from testifying who would have direct knowledge of these facts?

The House has made an extremely strong case. The burden now lies on the President to rebut it, if he can. And what the majority of Americans are saying is that the fact that he refuses to produce rebutting evidence, the fact that he blocks witnesses from testifying, the fact that he won't let documents come forward may well indicate that he did everything alleged in the House proceedings.

To talk about things that are unrelated to the charges against the President have nothing to do with what happened here. The President merely needs to claim his innocence. If he has nothing to hide, he should have nothing to fear from handing over documents or allowing witnesses to testify. So their silence, the silence imposed by the White House on top officials with knowledge of these dealings, speaks volumes.

What has the President, the White House, and their congressional allies here in the Senate and the House tried to do? Instead of defending the President with facts, the White House, the President himself, and congressional Republicans employ one fringe conspiracy theory after the next to explain away the President's conduct, even though they have nothing to do with the specific charges against the President.

Here in the Senate, unfortunately, we have several Members on the other side of the aisle who are forming their own conspiracy caucus. Any conspiracy theory pulled out of the air by known pranks, then broadcast on FOX News, which shows an all-too willingness to

broadcast this stuff, is then picked up here as a diversion. Why do they want to divert? Is it because they know the facts can be answered?

For the past few weeks, certain Republican Senators have repeated the fiction invented by Putin's intelligence services that Ukraine, not Putin, interfered in the 2016 election. They are mouthing Putin's propaganda. The Republican Party is to be anti-Russian, anti-Putin, anti-Communist, but now all of a sudden, because President Trump has created so many different diversions because he seems to go along with what Putin wants, these Republicans have become Putin mouthpieces when it comes to these conspiracy theories.

Today, an example, the chairman of the Senate Judiciary Committee is holding a hearing on the report issued this week by the Department of Justice Inspector General, which found no evidence of a political motive for the FBI investigation into the Trump campaign. The deputy counsel of the FBI said there was an obligation to investigate—not by anyone's design—once they heard these allegations that came from a credible source.

What will the Judiciary chairman do? Will he focus on the central finding of the IG report? I suspect not. I suspect Republicans on that committee, instead, will take every opportunity to contort the facts to further the President's baseless claim that the FBI was out to get him. So many people accused of crimes and wrongdoing, instead of addressing the issue when they know they are guilty, blame the prosecutor. That is not what our system of justice is about.

But, astonishingly, that is what the chief law enforcement officer of the land, the Attorney General of the United States, did yesterday in interviews. Contradicting the findings of his own inspector general—someone who would study the case for months, someone who the Attorney General himself had recently praised as fiercely independent and a superb investigator—what Attorney General Barr did was push the false narrative that the FBI acted in bad faith when it investigated the Trump campaign. Attorney General Barr has signed himself up to be a charter member of the conspiracy caucus.

The real bad faith is the relationship between the Attorney General and his oath of office. He did not swear to "support and defend President Trump," but that is what he has done as Attorney General. It is deeply, dangerously corrosive to the primary rule of law in our constitutional system.

At the same time, the Attorney General's handpicked prosecutor John Durham put out a ridiculous statement on Monday, criticizing the findings of the IG report. Durham used to have some credibility as a no-nonsense prosecutor, but when Barr chose him, I said, Uh-oh, because Barr is not a down-the-middle guy. By putting out a

hugely partisan, political statement on a pending investigation he is doing, Mr. Durham has signaled to the world he is not capable of producing a report that anyone can take seriously.

Unfortunately, Mr. Durham, like too many others, has aligned himself with Attorney General Barr and consigned himself to the world of alternative truth facts, many of them on the fringe. Whatever reputation Durham had for fairness is now in tatters.

Now, Mr. President, there is a possibility that the Senate will be served with the Articles of Impeachment for the President from the House. We may soon, in all likelihood, confront the demands of hosting a trial for the Chief Executive and serving as judges and jurors in determining the fate of that trial. With such a weighty constitutional responsibility on the horizon, I implore my colleagues to stop dipping their toes in the murky waters of conspiracy. Hew to the facts. Don't pre-judge the outcome. Remember our oaths to the Constitution, our responsibility to do impartial justice in the Senate trial. That is our responsibility. History will judge whether we live up to it or not.

BORDER SECURITY

Mr. President, now, on the recent decision about the wall by the Federal court in Texas. Yesterday, the Federal court in Texas issued a nationwide injunction, blocking the Trump administration from using military construction funding to build his wall. The decision confirms what many Democrats and a few Republicans in the past have said. The President's emergency declaration, which allowed the administration to steal the profits from military families to pay for a wall President Trump promised Mexico would pay for, is an outrageous legal power grab.

The injunction is a win for the rule of law. It should serve as a warning to Republicans in Congress and the Trump administration that the power of the purse, given exclusively to Congress by the constitution, cannot be usurped. At his rally last night, President Trump said, The courts are siding with me on the wall. He had not read the decision. He has already built so much of the wall. Well, thank you, Mr. Trump. You have just buttressed a portion of the wall that President Obama built—nothing new.

As we look ahead to concluding negotiations on appropriations before the end of the year, my Republican colleagues should remember that a Federal court ruled the Trump administration was beyond its legal right when it took funding from other sources to build a wall.

NOMINATION OF LAWRENCE VANDYKE

Mr. President, the VanDyke nomination, today, the Senate will vote on the confirmation of Lawrence VanDyke to serve on the Ninth Circuit Court of Appeals. After seeing so many radical and unfit judicial appointments over the past few years, I am almost surprised

President Trump is still able to find nominees like Mr. VanDyke who is unqualified, even in comparison to some of the worst nominees we have seen under this administration.

VanDyke has a history of bigoted writing about LGBTQ Americans, radical views on even the most common-sense gun safety legislation, and a proven hostility to reproductive rights. On top of his radical views, Mr. VanDyke has received stunningly negative reviews on his qualifications and temperament. The American Bar Association doesn't do this much, but it rated him "Not Qualified." In over 60 interviews with Mr. VanDyke's colleagues, he was described as "arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice, including procedural rules."

It went on to say, "The nominee lacks humility, has an 'entitlement' temperament, does not have an open mind, and does not always have a commitment to being candid and truthful."

This is whom we are voting on today, my Republican friends. What is going on? Because someone is hard right and radical, we excuse all of their personality defects found by the ABA? And, amazingly, this is someone not even for a district court but the circuit court. This is getting to the point of utter absurdity.

For obvious reasons, both home State Senators objected to VanDyke's nomination. In the past, the Senate would respect those objections. It would be a check on someone so unqualified on getting to the bench, but Leader MCCONNELL and Senate Republicans are in such a rush to fill the bench with these hard-right nominees that they have blown through Senate traditions and most standards of reason and good judgment.

Please reject this nominee. He is so unqualified. He is a low human being—at least according to all of this—and he will have a lifetime appointment on the circuit bench? That would indicate the decline of America, one more indication, unfortunately, propagated by this administration.

TAX REFORM

Mr. President, finally, in a week or so, it will be 2 years since Republicans jammed through a massive tax cut for corporations and the megawealthy on a party-line vote.

Two years later, it is worth looking back on the promises Republicans made when selling this to the American people. At the time, the President said the bill would be "a middle-class miracle." The administration promised Americans would get a \$4,000 raise. Congressional Republicans said giving a corporate tax cut would boost jobs and investment.

Two years later, it is clear the tax bill has failed to live up to any of those sunny predictions. Middle-class wages still aren't growing fast enough to keep up with the cost of living. Businesses aren't investing in newfound profits in jobs or wages. In fact, since the passage

of the Trump-Republican tax bill, while capital expenditures by businesses remain low—that is investing in jobs and equipment and things that employ people and give them better wages—corporate stock buybacks, which, by and large, benefit wealthy shareholders, explodes, setting annual records. Last year alone, over \$1 trillion was spent on stock buybacks, while millions of middle-class Americans didn't see enough improvement in their quality of life.

As many Democrats, including myself, predicted 2 years after its passage, the Republican tax bill has overwhelmingly benefited shareholders and corporate executives, not workers and their families. America will remember that as we head into an election year.

I yield the floor.

THE PRESIDING OFFICER. The Senator from West Virginia.

BIPARTISAN AMERICAN MINERS ACT OF 2019

MR. MANCHIN. Mr. President, I rise today, and I want to make it very clear—it is going to be very short and succinct—that time is running out on our coal miners. We need to fix this now—not in 2020 but now. I will explain why.

We have over 13,000 coal miners who will lose their healthcare and 82,000 coal miners who will lose their pensions next year if we do not do something now. That is why I am standing here before you. That is why I am putting a hold on all legislative business coming through the Senate until we get assurances.

This is not who I am. Anybody who knows me, knows I don't do this, but I am so committed to the people who built this country and to a commitment we had in a 1946 agreement with the Federal Government that they would be able to have a pension and retirement for the very difficult and very dangerous hard work that they do. They weren't asking taxpayers or anyone else to bail them out. It was coming from the sale of the product, the coal that they mine for the energy for this country.

Only my bill, which is the Bipartisan American Miners Act, has bipartisan support on both sides in the Senate and over in the House. I know if Congress passed it, President Trump would sign it. I know that.

Can you imagine being one of the coal miners trying to enjoy your holidays this year knowing that you might wake up January 1 with no healthcare coverage and a reduction in your pension?

Let me explain to you the pensions. The average pension of a coal miner—most of these are widows now because the miners might have passed away—is \$600 or less, so we are not talking about thousands of dollars. We are not talking about that whatsoever. This is all the means of sustaining a quality of life or helping them through a quality of life.

These coal miners and their families deserve the peace of mind of knowing