

areas to assist with the surge of migrants. The Department of Health and Human Services, which is tasked with caring for unaccompanied children who cross the border, will be out of money to care for these children by early July. That means that caregivers for these children would have to work without pay, and private organizations with Federal grants to care for these children would go without their funding.

The President sent over an emergency funding request to address this humanitarian crisis more than 7 weeks ago, and Republicans were ready to take it up immediately. But the Democrat-controlled House was not interested. Why? Because the President was the one doing the asking.

House Democrats' No. 1 priority is obstructing the President. It doesn't matter if he is asking for desperately needed funds to address a humanitarian crisis. Democrats aren't interested.

When it became clear the House was not serious about addressing this crisis, the Senate decided to move forward, and last week the Senate Appropriations Committee approved an overwhelmingly bipartisan measure to provide desperately needed resources for the southern border.

Now the House is seeking to take up a supplemental of its own. This should be good news, but, unfortunately, the House bill is just another exercise in partisanship. The House is attempting to take up a bill that the President won't sign, as House leaders have known from the beginning. While I suppose we should be glad the House is at least acknowledging the situation at the border now, passing partisan legislation that will go nowhere in the Senate or with the President is no help.

The Senate has come together and will pass a real bipartisan measure that the President is expected to sign. The House should drop the partisan posturing and obstruction and pass the Senate bill so that we can get these desperately needed funds to the southern border.

#### AGRICULTURE

Mr. President, I have been to the floor several times in recent weeks to talk about the challenges facing our agriculture producers.

While the economy as a whole continues to thrive, our Nation's farmers and ranchers are struggling. Thanks to natural disasters, protracted trade disputes, and several years of low commodity prices, farmers and ranchers have had a tough few years.

As the senior Senator from South Dakota, I am privileged to represent thousands of farmers and ranchers here in the Senate, and addressing their needs and getting the ag economy going again are big priorities of mine. That is why I spend a lot of time talking to the Department of Agriculture about ways we can support the agriculture community, and I am very pleased that we have one big victory to

celebrate this week—the Department of Agriculture's adjustment of the haying and grazing date for cover crops planted on prevent plant acres.

Farmers and ranchers throughout the Midwest are currently facing the fallout from severe winter storms, heavy rainfall, bomb cyclones, and spring flooding. Planting is behind schedule, and some farmers' fields are so flooded that they won't be able to plant corn and soybeans at all this year. As a result, many farmers will be forced to plant quick-growing cover crops on their prevent plant acres for feed and grazing once their fields finally dry out and to protect the soil from erosion.

But before last week's Agriculture Department decision, farmers in Northern States like South Dakota faced a problem. The Department of Agriculture had set November 1 as the first date on which farmers could harvest cover crops planted on prevent plant acres for feed or use them for pasture without having their crop insurance indemnity reduced.

Farmers who hayed or grazed before this date faced a reduction in their prevent plant indemnity payments—those crop insurance payments designed to help them cover their income loss when fields can't be planted due to flooding or other issues.

November 1 is generally a pretty reasonable date for farmers in southern States. But for farmers in Northern States like South Dakota, November 1 is too late for harvesting, thanks to killing frost and the risk of late fall and early winter storms, and it is too late to maximize the use of cover crops for pasture, since a killing frost is liable to flatten cover crops before they are grazed.

I heard from a lot of farmers about this November 1 date and the dilemma they were facing about whether to plant cover crops that they might not be able to harvest or graze. So beginning in early May, my office approached the Department of Agriculture about changing the November 1 date.

I then led a bipartisan group of Senate Agriculture Committee members in sending a letter to the Department, making our case for farmers. Then, I followed the letter with a request for a face-to-face meeting with top Agriculture Department officials so that I could explain in person the challenges farmers were facing.

A week and a half ago, USDA Deputy Secretary Steve Censky and USDA Under Secretary Bill Northey came to my office. During our meeting, I emphasized that not only did the date need to be changed, but it needed to be changed now so farmers could make plans to seed cover crops. The decision about whether to plant a cover crop is a time-sensitive decision, and farmers were rapidly running out of time to make that call.

One week after our meeting, the Department of Agriculture announced that it would move up the November 1

date for this year by 2 months, to September 1—a significant amount of time that will enable a lot of South Dakota farmers to plant cover crops without worrying about whether they will be able to successfully harvest or graze them.

I met with South Dakota farmers in Aberdeen, SD, on Friday, and they were very happy about the Department of Agriculture's decision. Cover crops are a win-win. They are good for the environment because they prevent soil erosion, which can pollute streams and rivers and worsen flooding, and they are good for farmers because they improve soil health, protect soil from erosion, and can provide an important source of feed. That second benefit is particularly important for farmers right now.

Due to last year's severe and lengthy winter, feed supplies disappeared, leaving no reserves. Cornstalks, a source of grazing and bedding, will be in short supply this year, and so will the supply of alfalfa due to winterkill. Cover crops will be crucial to alleviating this feed shortage.

I am currently working with the Department of Agriculture to ensure that farmers have flexibility to use existing supplies of available seed for cover crops, and I will be encouraging the Agriculture Department to release Conservation Reserve Program acres for emergency haying and grazing this year to further address the feed shortage.

I am very pleased that the Department of Agriculture heard the concerns we were expressing and moved the November 1 haying and grazing date up to September 1 for this year.

South Dakota farmers and ranchers can rest assured that I will continue to share the challenges they are facing with the Agriculture Department, and I will continue to do everything I can here in Washington to support our Nation's farmers and ranchers and to get our agriculture economy back on its feet.

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

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

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#### RECESS

Mr. REED. Mr. President, I ask unanimous consent that, pursuant to the order in place, we recess.

The PRESIDING OFFICER. Without objection, the Senate stands in recess.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and was reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—Continued

The PRESIDING OFFICER. The Senator from Texas.

S. 1790

Mr. CORNYN. Madam President, yesterday, the Senate overwhelmingly voted to proceed to the National Defense Authorization Act by a vote of 86 to 6. That is about as overwhelming a bipartisan vote as we have had lately, and it is for good reason. This bill represents one of our most fundamental duties as the U.S. Congress, which is to authorize military expenditures and to provide our men and women in uniform with the resources they need in order to protect the American people.

The Defense authorization bill would authorize funding for the Department of Defense to carry out its most vital missions, as well as support our alliances around the world and improve the quality of life for our servicemembers, including the largest pay raise in a decade. All of us have long understood the importance of passing this legislation each year, which is why for the past 58 years we have passed the Defense authorization bill each of those years without delay. The bill, of course, has gained broad bipartisan support in the Armed Services Committee and in the first procedural vote yesterday evening, but that doesn't mean that our colleagues across the aisle aren't eyeing it as the latest target for their obstructionist tactics.

We are hearing that our Democratic friends are actually threatening to filibuster this legislation in an attempt to force a vote on Iran, but this is really just a subterfuge. I don't buy it. In reality, the Democratic leader has urged the majority leader not to hold a vote on the Defense authorization bill this week because so many of his Members are running for President and need to be at the debate in Miami. He said the Senate should wait to have the vote until the full body is present. He said there is no rush to complete the National Defense Authorization Act. Just to translate, the minority leader wants the rest of us to stop working so that the Democrat Senators who are running for President can prepare for the debate in Miami instead of being here in Washington and doing their job. Instead of doing that, they want to audition for their next job—or so they hope. Well, the minority leader thinks we should delay giving our military families a pay raise so his Members can campaign for President. That is one of the more galling things I have ever heard proposed across the aisle.

The demand for a vote in relation to Iran is a smokescreen. It is a tactic being used to cover up for their colleagues who don't want to miss yet another vote. In the first 6 months of this year alone, Senate Democrats have played politics with nominees for important positions throughout the Federal Government and with border secu-

rity funding in the midst of a humanitarian and security crisis that is occurring at the border. They dragged their feet on Middle East policy bills and now, apparently, on the National Defense Authorization Act.

Our constituents sent us here to Washington to cast votes—yes or no—on bills that shape our country and, in this case, strengthen our Nation's military. We should not tolerate the political ambitions of some of our colleagues on the other side of the aisle to take precedence over the men and women who serve us in the military. Their priorities may be elsewhere, but the rest of us are not buying it. It is appalling, and we will not let it happen.

PRESCRIPTION DRUG COSTS

Madam President, on another matter, I recently heard from one of my constituents in San Antonio about her growing concern with rising drug prices. She wrote to me:

I personally haven't had to make the choice yet between making my mortgage or getting a drug I need or my family needs, but I know the day is coming. It's not a matter of if it will happen, but when for all of us in America.

She is certainly not alone. Countless Texans have conveyed to me their concerns about rising drug costs, and one man even told me that he and his wife feel like their health is being held ransom. Across the country more and more people are struggling to pay their out-of-pocket costs for their prescription drugs and are weighing financial decisions that no family should be forced to make.

Now, the good news is there is bipartisan agreement here in Congress—somewhat of a rarity these days—that something must be done to reel in these skyrocketing costs and to protect patients who are being taken advantage of by some pharmaceutical companies. We have spent a lot of time looking at this issue on both the Judiciary Committee and the Finance Committee, on which I sit, as well as the HELP Committee, which is also working on legislation to lower out-of-pocket healthcare costs.

When it comes to drug prices, we know that the high cost frequently is not the result of the necessary sunk cost for research and development of an innovative drug or a labor-intensive production process or scarce supply. The high cost frequently is because major players in the healthcare industry are driving up prices to increase their bottom line.

Later this week, the Judiciary Committee will hold a markup to consider some of the proposals by members of the committee to address this kind of behavior. One of the bills we will consider was introduced by Senators GRASSLEY and CANTWELL. It would require the Federal Trade Commission to look at the role of pharmacy benefit managers, which play an important—albeit an elusive part—in the pharmaceutical supply chain.

Another bill we will be reviewing has been introduced by Senators KLOBUCHAR and GRASSLEY and would combat branded pharmaceutical companies' ability to interfere with the regulatory approval of generic competitors.

I am glad we will also have a chance to consider a bill I introduced with my colleague Senator BLUMENTHAL from Connecticut called the Affordable Prescriptions for Patients Act. That bill takes aim at two practices often deployed by pharmaceutical companies to crowd out competition and protect their bottom line. Now, this bill, importantly, will not stymie innovation, and it will not punish those who rightfully gained exclusive production rights for a drug. That is what our patient system is designed to do. Those are two false arguments being pushed by opponents to my bill, though, and, believe me, there are many. The bill is designed, rather, to stop the bad actors who abuse our laws and effectively create a monopoly. Most drug companies don't fall into that category, but some definitely do.

First, the bill targets a practice called product hopping. When a company is about to lose exclusivity of a drug because their patent is going to expire, they often develop some sort of minor reformulation and then yank the original product off the market. That prevents generic competitors from entering the market. One example was the drug Namenda, which is used by patients with Alzheimer's. Near the end of the exclusivity period, the manufacturer switched from a twice daily drug to a once daily drug. That move prevented pharmacists from being able to switch patients to a lower cost generic and gave the company an unprecedented 14 additional years of exclusivity. Now, don't get me wrong. There are often legitimate changes that warrant a new patent, but too frequently we are seeing this deployed as a strategy to box out generic competition.

By defining product hopping as anti-competitive behavior, the Federal Trade Commission would be able to take action against those who engage in this practice. It is an important way to prevent companies from gaming the patent system and patients from carrying the cost of that corporate greed.

Our country thankfully is the leader in pharmaceutical innovation. None of us wants to change that, and that is partly because we offer robust protections for intellectual property. Sadly, though, some companies are taking advantage of those innovation protections in order to maintain their monopoly as long as possible. Our bill would target this practice, known as patent thickening, by limiting patents companies can use to keep their competitors away. One famous example is the drug HUMIRA, which, as I understand, is the most commonly prescribed drug in the world. It is used to treat arthritis and a number of other conditions. AbbVie, the manufacturer of HUMIRA, has 136 patents on the