

[Rollcall Vote No. 63 Leg.]

## YEAS—65

Alexander	Hatch	Portman
Baldwin	Heinrich	Reed
Bennet	Heitkamp	Roberts
Blumenthal	Heller	Rounds
Blunt	Hirono	Rubio
Boozman	Hoeven	Schatz
Brown	Inhofe	Schumer
Cantwell	Isakson	Scott
Capito	Jones	Shaheen
Cardin	Kaine	Shelby
Carper	King	Smith
Casey	Klobuchar	Stabenow
Cochran	Leahy	Tester
Collins	Manchin	Thune
Coons	McConnell	Udall
Cornyn	Menendez	Van Hollen
Cortez Masto	Moran	Warner
Donnelly	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Graham	Nelson	Young
Hassan	Peters	

## NAYS—32

Barrasso	Fischer	McCaskill
Booker	Flake	Merkley
Cassidy	Gardner	Paul
Corker	Gillibrand	Perdue
Cotton	Grassley	Risch
Crapo	Harris	Sanders
Cruz	Johnson	Sasse
Daines	Kennedy	Sullivan
Enzi	Lankford	Tillis
Ernst	Lee	Warren
Feinstein	Markey	

## NOT VOTING—3

Burr	McCain	Toomey
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 539.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

Mitch McConnell, Jerry Moran, John Cornyn, John Hoeven, John Kennedy, Johnny Isakson, Chuck Grassley, Cory Gardner, James E. Risch, Thom Tillis, Pat Roberts, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 728.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.

Mitch McConnell, Mike Crapo, John Thune, Pat Roberts, David Perdue, Michael B. Enzi, Lamar Alexander, John Boozman, Thom Tillis, James M. Inhofe, John Hoeven, Mike Rounds, John Cornyn, Richard Burr, Tim Scott, John Barrasso, Jerry Moran.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 605.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

Mitch McConnell, Richard Burr, Mike Crapo, John Thune, Pat Roberts, David Perdue, Michael B. Enzi, Lamar Alexander, John Boozman, Thom Tillis, Tim Scott, James M. Inhofe, John Hoeven, Mike Rounds, John Cornyn, John Barrasso, Jerry Moran.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 666.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Mitch McConnell, Jerry Moran, Deb Fischer, John Barrasso, Johnny Isakson, Thom Tillis, Roy Blunt, Mike Rounds, Steve Daines, James M. Inhofe, Shelley Moore Capito, John Cornyn, John Boozman, John Thune, Roger F. Wicker, John Hoeven.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 540.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

## CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, Jerry Moran, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 541.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Jerry Moran, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

The PRESIDING OFFICER. The Senator from Wisconsin.

## UNANIMOUS CONSENT REQUEST—H.R. 5247

Mr. JOHNSON. Mr. President, I realize the hour is late. I will move quickly to my unanimous consent request, but I want to quickly state that this is so important that this can't wait, and I am really asking a pretty simple request of my colleagues that we stop playing games with people's lives because it is well past time that we passed the Right to Try. The Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018.

We passed this unanimously through the Senate in August. The House has acted now. I am just asking my colleagues, please, these desperate patients are terminally ill, and they have waited far too long.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5247, which was received from the House. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. SCHUMER. Mr. President, reserving the right to object, and I will object.

I just want to make clear that I am sympathetic to the goals my friends from Wisconsin and Indiana are trying to accomplish. In fact, the Senate has already passed a version of this bill once and dedicated time to work on the outstanding issues to get a good compromise and pass it into law and pass it into law quickly.

I believe we all support the goals of safety and increasing access of investigational drugs for terminally ill people, but the key is we need to ensure there are safety mechanisms in place when we do this. A significant part of that is making sure the FDA is part of the process. They already have an expanded access program. We need to ensure that we are not increasing the risk of patient harm or endangering clinical trials so lifesaving drugs can continue to be developed and people have access to them.

So I assure my colleagues that we will work together to get something done, and done quickly, because this is

an important issue. People who have terminal illnesses deserve every opportunity and chance at survival, and I look forward to working with my colleagues and moving forward on the Senate bill.

With that, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I do want to point out the fact that the Right to Try bill only allows access to drugs that have already passed phase 1 safety approval from the FDA. There has been an awful lot of misunderstanding from that standpoint.

All we are asking is, what this bill would do is allow terminal patients who have no other options—they have exhausted all treatment options, they do not qualify for a clinical trial, they are near death or, according to the House bill, subject to severely premature death. It just gives those individuals the right to choose for themselves, not have a faceless bureaucrat at the FDA make that decision.

We passed this unanimously from the good efforts of my colleague, the Senator from Indiana, who will speak shortly, but also Senators Alexander and Murray. We spent many hours in discussion crafting a bill that passed unanimously.

By the way, that didn't surprise me because out of the 39 States that passed Right to Try through their legislature, 38 have passed it and signed it into law. Of the legislators who voted for Right to Try, 98 percent have voted yes. That is a vote tally of 5,604 to 126 because it makes so much sense to give those terminally ill patients the freedom to make those decisions themselves.

The good news is, the House passed the Right to Try bill—not unanimously—with bipartisan support. The vote was 267 to 149, and 35 Democrats joined, most Republicans voting yes. A lot of that was due to the good efforts from my Democratic colleague, the Senator from Indiana.

I want to give a brief history on Right to Try in terms of my involvement. I first went to the Goldwater Institute in 2014. They, through their efforts, decided to go through the strategy of having States pass it, and Colorado was the first State to pass Right to Try in 2014.

Shortly after that meeting, I met a young mom, Trickett Wendler, a mother of three children. She had ALS. I just mentioned the fact that I had met with the Goldwater Institute, and I was fully in support of Right to Try, and tears started streaming down the face of Trickett Wendler. That is when I decided to become the champion and lead sponsor of Right to Try in this body. Unfortunately, Trickett Wendler lost her battle with ALS in March of 2015.

I want to briefly mention the other individuals for whom this bill is named. Matt Bellina, a former lieutenant commander, Navy pilot, married to