

don't make it a crime to have sex with a partner of an opposite sex.

Again, the 14th Amendment says zero about intimacy or sexual relations or reproduction, but there is a zone of decisions we are entitled to make as citizens of this country that the criminal law cannot intrude upon.

Obergefell, you can marry someone of the same sex, same rationale.

So when the Supreme Court said: Well, there is nothing about abortion in the 14th Amendment, well, they are right. The word "abortion" is not in the 14th Amendment. But it has been clear now for more than 100 years, and it was really clear when the 14th Amendment was added to the Constitution that we are no longer just citizens of 50 States; we are citizens of a country that believes individuals have decision making power and autonomy, and the criminal law of this country can't reach in and throw you in jail for making decisions about how you operate the most intimate areas of your life.

That is why the Supreme Court's decision in *Dobbs* is so destructive. It is as if they do not understand the history of this country before the 14th Amendment, when there was no definition of citizenship, and it is as if they do not understand what the 14th Amendment was designed to do.

I will conclude by making one other comment. The Court sort of sunnily suggests that, well, no worries; abortion now gets no constitutional protection, but this can be resolved by State legislatures.

It was State legislatures that were the problem that the 14th Amendment was designed to address. It was State legislatures that passed the laws about slavery. It was State legislatures that prohibited women in the State of Illinois from taking the bar exam. It was State legislatures that imposed all kinds of restrictions upon the right to vote.

So the notion that, OK, there is no constitutional protection for privacy anymore, but State legislatures will take care of it is a fundamental misunderstanding.

And why weren't State legislatures sufficient? It was because slaves weren't represented in State legislatures, and women, at the time, weren't represented in State legislatures. And so we needed a zone of protection for decision making because people who have traditionally not been represented in State legislatures or this Congress can hardly look with confidence on the ability of a majority that does not include them to protect their interests.

One example, Congress today, the U.S. Congress today is about 26 percent women. That is our North Star in our history. That is the best we have ever been.

Guess what. That ranks us in the world, if you look at national parliamentary bodies that ranks us about 75th, below the global average, below nations like Mexico, below Iraq and Afghanistan, far below leading nations

like Rwanda, where more than 50 percent of the legislature is women.

To say to the women of this country: We are taking away rights you have relied upon for more than 50 years but no worry, no worry; you can go to the State legislature, where you are dramatically underrepresented, which is the case in most of our State legislative houses, you can go there, and they will give you a fair shake, is to put on blinders instead of looking at reality.

The 14th Amendment was put in the Constitution for a reason. It was to give a right for individual decision making to every citizen in this country, no matter whether they were politically powerful or not, no matter whether there was anybody in the legislative body who looked like them or not, and to say that being an American gave you those rights and those rights couldn't be taken away couldn't be taken away by the long arm of the criminal law in statutes that were elected, enacted by State legislatures where you were not represented, that is why this ruling is so destructive.

And that is why my colleagues and I must work so hard to make sure that we don't devolve back to a pre-14th Amendment society, where your ability to exercise fundamental decisions depends upon the ZIP Code you were born or live in, but that instead we accord the right to make fundamental personal decisions equally to everyone who is an American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Virginia. Every Member of the U.S. Senate should have heard his words and, if not, read his words to understand the gravity of the decisions by the Supreme Court and the threats that have been made by Justice Thomas to venture into even more areas, depriving us of our basic constitutional rights in the name of States' rights.

I want to thank the Senator from Virginia. He gave a big part of his life to civil rights litigation. And if you are a lawyer and heard his presentation today, you would not want to be on the other side of the courtroom. He is convincing; he is well-prepared; and he explains with clarity why this is a moment in history which we should not ignore.

LEGISLATIVE SESSION

Mr. DURBIN. 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. DURBIN. Mr. President, I move to proceed to executive session to consider Calendar No. 1035.

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 Nina Nin-Yuen Wang, of Colorado, to be United States District Judge for the District of Colorado.

CLOTURE MOTION

Mr. DURBIN. 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 Executive Calendar No. 1035, Nina Nin-Yuen Wang, of Colorado, to be United States District Judge for the District of Colorado.

Richard J. Durbin, Robert P. Casey, Jr., Sherrod Brown, Tammy Baldwin, Tina Smith, Jeanne Shaheen, Chris Van Hollen, Elizabeth Warren, Catherine Cortez Masto, Tim Kaine, Benjamin L. Cardin, Christopher Murphy, Maria Cantwell, Christopher A. Coons, Jack Reed, Gary C. Peters, Tammy Duckworth.

LEGISLATIVE SESSION

Mr. DURBIN. 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. DURBIN. Mr. President, I move to proceed to executive session to consider Calendar No. 988.

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 Nancy L. Maldonado, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. DURBIN. 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 Executive Calendar No. 988, Nancy L. Maldonado, of Illinois, to be United States District Judge for the Northern District of Illinois.

Richard J. Durbin, Tammy Duckworth, Tammy Baldwin, Robert P. Casey, Jr., Margaret Wood Hassan, Christopher Murphy, Jack Reed, Alex Padilla, Patty Murray, Sheldon Whitehouse, Mazie K. Hirono, Jacky Rosen, Edward J. Markey, Tina Smith, Elizabeth Warren, Jeanne Shaheen, Sherrod Brown.

Mr. DURBIN. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, July 14, be waived.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Executive Calendar No. 968, Julianna Michelle Childs, of South Carolina, to be United States Circuit Judge for the District of Columbia Circuit.

Richard J. Durbin, Richard Blumenthal, Alex Padilla, Christopher A. Coons, Gary C. Peters, Elizabeth Warren, Mazie K. Hirono, Tammy Baldwin, Tina Smith, Mark R. Warner, Edward J. Markey, Robert P. Casey, Jr., Martin Heinrich, Jeanne Shaheen, Sherrod Brown, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Julianna Michelle Childs, of South Carolina, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. LUJÁN), the Senator from Massachusetts (Mr. MARKEY), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Tennessee (Mr. HAGERTY), the Senator from Ohio (Mr. PORTMAN), and the Senator from Nebraska (Mr. SASSE).

The yeas and nays resulted—yeas 58, nays 33, as follows:

[Rollcall Vote No. 255 Ex.]

YEAS—58

Baldwin	Coons	Hirono
Bennet	Cornyn	Kaine
Blackburn	Cortez Masto	Kelly
Booker	Duckworth	King
Brown	Durbin	Klobuchar
Burr	Feinstein	Manchin
Cantwell	Gillibrand	Menendez
Capito	Graham	Merkley
Cardin	Grassley	Murkowski
Carper	Hassan	Murphy
Casey	Heinrich	Murray
Collins	Hickenlooper	Ossoff

Padilla	Scott (SC)	Warner
Peters	Shaheen	Warnock
Reed	Sinema	Warren
Romney	Smith	Whitehouse
Rosen	Stabenow	Wyden
Rounds	Tester	Young
Sanders	Tillis	
Schatz	Van Hollen	

NAYS—33

Barrasso	Hawley	Moran
Blunt	Hoeben	Paul
Boozman	Hyde-Smith	Risch
Braun	Inhofe	Rubio
Cassidy	Johnson	Scott (FL)
Cotton	Kennedy	Shelby
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Lummis	Toomey
Ernst	Marshall	Tuberville
Fischer	McConnell	Wicker

NOT VOTING—9

Blumenthal	Leahy	Portman
Cramer	Lujan	Sasse
Hagerty	Markey	Schumer

The PRESIDING OFFICER (Mr. VAN HOLLEN). On this vote, the yeas are 58, the nays are 33.

The motion is agreed to.

The senior Senator from Maryland.

PRESCRIPTION DRUG COSTS

Mr. CARDIN. Mr. President, I rise today to discuss a critical issue that continues to take a heavy toll on the health and financial well-being of Americans: high prescription drug prices.

This uniquely American problem has U.S. families paying the highest price compared to other countries, leading to millions of Americans having to leave their pharmacies with their prescription drugs left on the table. No one should have to go into debt to buy prescription drugs that they need to stay healthy, productive, and to have a healthy life.

Twenty-nine percent of Americans either cannot afford their prescription drugs or are rationing them. And the United States stands alone in this among the developed nations of the world.

The United States spends approximately \$575 billion annually on prescription drugs, or about 14 percent of the total healthcare expenditures. In 2019, the United States spent, on average, \$1,126 per capita on prescription medicines, twice as high as a comparable amount spent in the industrial world.

Americans and Marylanders are struggling to pay their prescription drug medications, and it is long past time for Congress to remedy this problem. Prescription drugs have been lifesaving for millions, but if they are not affordable, then their benefit is moot. High prescription drug prices drive health inequalities that we are fighting to eradicate since groups in fair or poor health most struggle to afford their medications.

For years, Congress has been working on commonsense solutions to increase access to affordable prescription medications, reducing costs for patients and taxpayers. It is now time to act.

U.S. prescription drug prices are set through an opaque process by manufacturers, pharmaceutical benefit manu-

facturers, and payers. Prices are often disconnected from the health impacts of the products being purchased.

Opponents of addressing the high drug costs claim that more affordable prices will come at the expense of innovation. I say, and the research agrees, this is a false choice. To ensure access through innovative treatments and prescriptions, the U.S. Government makes significant investments in biomedical research. The Presiding Officer knows that very well from his position on the Appropriations Committee. No greater example of this investment is the National Institutes of Health located in our home State of Maryland, which is the world's largest government funder of biomedical research. Almost all drugs rely on NIH-supported basic research, and the returns on these investments are very high.

Researchers from the Massachusetts Institute of Technology have found that every \$125 million NIH grant leads to \$375 million more in private market value, 33 more patents, and one new drug.

Another study estimates that the rate of return on NIH investment is 43 percent and that each dollar in NIH funding leads to an additional \$8.40 in private research and development spending. So the government investments are well done—it leverages a lot more—but the government is the key player.

Further, the Small Business Innovation Research and the Small Business Technology Transfer, SBIR/STTR programs, also support innovation. SBIR/STTR currently are the largest U.S. Federal Government programs supporting small businesses to conduct research and investment. SBIR began in 1982 and currently requires that each Federal Agency spending more than \$100 million annually on external research set aside 3.2 percent of those funds for awards to small businesses. SBIR is very selective, with only about 22 percent of the applicants receiving funding. For many small firms, the SBIR “serves as the first place many entrepreneurs involved in technological innovation”—where they get their funding.

Through the SBIR/STTR programs, NIH supports drug innovation by setting aside more than 3.2 percent of its overall Intramural Research and Development budget specifically to support early stage small businesses through the Nation. Many companies leverage this NIH funding to attract the partners and investors needed to take an innovation to the market.

For example, Amgen, which was founded in 1980, received SBIR investment in 1986. Today, it is a multinational biopharmaceutical company with over 20,000 employees. Despite these significant taxpayer investments, prescription drugs are often priced at levels that limit access to lifesaving drugs, particularly among those who are underinsured or uninsured. Even after accounting for the costs and risks