

most Americans—healthcare is a human right, not a privilege, and we need major reforms to our current system so that every man, woman, and child in this country gets the quality healthcare they need regardless of their financial status.

The responsibility for reforming our broken healthcare system rests with the administration, and it rests with many Agencies of government, including the HHS; the CMS; the FDA; and the National Institutes of Health, the NIH, which plays a very important role in the development of new prescription drugs.

While the 10 largest drug companies made over \$112 billion in profits last year and while they pay their CEOs exorbitant compensation packages, 1 out of 4 Americans cannot afford to pay for the medicine they need, and thousands of families face financial ruin as they pay outrageously high prices for the prescription drugs that keep them alive.

Let's think about that for just 1 second. Millions of people in this country, every year, get sick. They go to the doctor, and the doctor writes out a prescription. Yet, because of the exorbitant price of prescription drugs in America, one out of four of those people cannot afford to fill that prescription. So what happens to those people? Well, they get sicker. Maybe they end up in an emergency room. Maybe they end up in a hospital. Maybe they die.

How crazy is it that, in the richest country in the history of the world, 25 percent of our people cannot afford to fill the prescriptions that their doctors prescribe?

But it is not just the high cost of prescription drugs that impacts individuals. In the largest hospital in my State, the State of Vermont—and I don't think it is terribly different elsewhere—the high cost of prescription drugs accounts for 20 percent of the overall budget of that hospital, and that drives insurance policies up. What we pay in the hospital impacts greatly the prices we pay for insurance.

In other words, the outrageously high cost of prescription drugs in America is a crisis situation that must be addressed. It impacts everybody.

Adding insult to injury, not only has the Federal Government not effectively regulated the price of prescription drugs, but the taxpayers of this country have, over the years, provided hundreds of billions of dollars in research and development into new prescription drugs that have provided enormous financial benefits to some of the most profitable drug companies in America.

For example, in America today, the median cost of new cancer drugs has gone up by more than 300 percent over the past decade even though 85 percent of the initial foundational cancer research is funded by U.S. taxpayers.

In June, the HELP Committee, which I chair, released a report that found that the average price of new treat-

ments that NIH scientists helped to develop over the past 20 years is over \$111,000.

In other words, we are spending a fortune in developing new drugs, but our people cannot afford the treatments that they pay for.

In virtually every case, American taxpayers are paying far more than people in other countries for the exact same medicine that the NIH helped to develop. Now, that may make sense to somebody, but it does not make sense to me.

Here are just a few examples from the report:

Astellas and Pfizer charge Americans with prostate cancer over \$165,000 for Xtandi while the exact same drug can be purchased in Japan for just \$20,000. Guess who developed that drug: American taxpayers.

Johnson & Johnson charges Americans with HIV \$56,000 for Symtuza while the exact same treatment can be purchased in the UK for just \$10,000. Guess who developed that treatment: American taxpayers.

Millennium Pharmaceuticals charges Americans with cancer \$54,000 for Velcade while the exact same drug can be purchased in France for just \$11,000. Guess who did the research and paid for that drug: the NIH and American taxpayers.

In other words, here is the insane situation: The American taxpayers fund the research for these drugs, but they can't afford the product that they helped create. Does anybody really think that makes sense? If American taxpayers help develop a drug, we should be paying the lowest price in the world for that product, not the highest. That has got to change. No prescription drug, no matter how effective and lifesaving it may be, is worth anything to the patient who cannot afford it.

In my view, at this crisis moment for American healthcare, we need an NIH Director who is prepared to take on the greed of the pharmaceutical industry and use every tool at their disposal to substantially lower the extraordinarily high cost of medicine in this country.

The 1,800 well-paid lobbyists from the pharmaceutical industry here in DC—it is almost 4 lobbyists for every Member of Congress—may not like it, but that is precisely what the American people want, and it is what they need. The status quo is not working. We need fundamental changes in the way that the NIH addresses the crisis of high prescription drug costs.

Dr. Monica Bertagnolli is an intelligent and caring person, but she has not convinced me that she is prepared to take on the greed and power of the drug companies and the healthcare industry in general nor is she prepared, in my view, to fight for the transformative changes the NIH needs at this critical moment. That is why I will be voting no on her confirmation.

With that, I yield the floor.

#### VOTE ON BERTAGNOLLI NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bertagnolli nomination?

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT) and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 293 Ex.]

#### YEAS—62

Baldwin	Hassan	Peters
Barrasso	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Boozman	Kelly	Schatz
Brown	King	Schumer
Butler	Klobuchar	Shaheen
Cantwell	Lujan	Sinema
Capito	Lummis	Smith
Cardin	Manchin	Stabenow
Carper	Markey	Tester
Casey	Marshall	Tillis
Cassidy	Menendez	Van Hollen
Collins	Merkley	Warner
Coons	Moran	Warnock
Cortez Masto	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	

#### NAYS—36

Blackburn	Grassley	Ricketts
Braun	Hagerty	Risch
Budd	Hawley	Rubio
Cornyn	Hoeben	Sanders
Cotton	Hyde-Smith	Schmitt
Cramer	Johnson	Scott (FL)
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tuberville
Ernst	McConnell	Vance
Fetterman	Mullin C	Wicker
Fischer	Paul	Young

#### NOT VOTING—2

Britt  
Scott (SC)

The nomination was confirmed.

The PRESIDING OFFICER (Mr. LUJÁN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### 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 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. 28, Kenly Kiyu Kato, of California, to be United States District Judge for the Central District of California.

Charles E. Schumer, Richard J. Durbin,  
Alex Padilla, Tim Kaine, Margaret

Wood Hassan, Ben Ray Luján, Raphael G. Warnock, Tammy Duckworth, Jack Reed, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow, Sheldon Whitehouse.

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 Kenly Kiya Kato, of California, to be United States District Judge for the Central District of California, 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 Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 294 Ex.]

YEAS—50

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Butler	King	Sinema
Cantwell	Klobuchar	Smith
Cardin	Luján	Stabenow
Carper	Manchin	Tester
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	

NAYS—47

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Budd	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker
Ernst	Mullin	Young
Fischer	Murkowski	

NOT VOTING—3

Britt	Sanders	Scott (SC)
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The PRESIDING OFFICER. The yeas are 50, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kenly Kiya Kato, of California, to be United States District Judge for the Central District of California.

NOMINATION OF KENLY KIYA KATO

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge

Kenly Kato to the U.S. District Court for the Central District of California.

Born in Los Angeles, CA, Judge Kato received her B.A. from the University of California, Los Angeles and her J.D. from Harvard Law School. She then clerked for Judge Robert M. Takasugi on the U.S. District Court for the Central District of California. Judge Kato began her legal career at the Federal Public Defender's Office for the Central District of California, where she served for 6 years. She then entered private practice and spent 10 years as a solo practitioner, representing clients in both civil and criminal cases. During this time, she tried approximately 15 cases to verdict. In 2014, she was appointed to serve as a magistrate judge on the U.S. District Court for the Central District of California. Judge Kato currently handles both a civil and criminal docket, and she has presided over several cases that have gone to verdict. In addition, she is heavily involved with diversionary programs within the Central District of California that focus on treatment, rehabilitation, and reentry issues for justice-involved individuals.

The American Bar Association unanimously rated Judge Kato "well qualified" to serve on the district court. The late Senator Feinstein strongly supported her nomination, and Senator PADILLA does as well. Judge Kato has the experience, temperament, and qualifications to serve on the U.S. District Court for the Central District of California. I will be supporting this outstanding nominee, and I urge my colleagues to do the same.

VOTE ON KATO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Kato nomination?

Ms. ROSEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT), the Senator from Florida (Mr. SCOTT), and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting: the Senator from Florida (Mr. SCOTT) would have voted "nay."

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 295 Ex.]

YEAS—51

Baldwin	Cortez Masto	King
Bennet	Duckworth	Klobuchar
Blumenthal	Durbin	Luján
Booker	Fetterman	Manchin
Brown	Gillibrand	Markey
Butler	Hassan	Menendez
Cantwell	Heinrich	Merkley
Cardin	Hickenlooper	Murphy
Carper	Hirono	Murray
Casey	Kaine	Ossoff
Coons	Kelly	Padilla

Peters	Shaheen	Warner
Reed	Sinema	Warnock
Rosen	Smith	Warren
Sanders	Stabenow	Welch
Schatz	Tester	Whitehouse
Schumer	Van Hollen	Wyden

NAYS—46

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Budd	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Tuberville
Crapo	Marshall	Vance
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Mullin	
Fischer	Murkowski	

NOT VOTING—3

Britt	Scott (FL)	Scott (SC)
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. WELCH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

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 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. 36, Julia E. Kobick, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Luján, Raphael G. Warnock, Tammy Duckworth, Jack Reed, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow, Sheldon Whitehouse.

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 Julia E. Kobick, of Massachusetts, to be United States District Judge for the District of Massachusetts, 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. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT) and the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 296 Ex.]

YEAS—52

Baldwin	Blumenthal	Brown
Bennet	Booker	Butler