

Coons, Alex Padilla, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Tina Smith, Benjamin L. Cardin, Chris Van Hollen, Tim Kaine, Brian Schatz, Christopher Murphy, Peter Welch.

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 Margaret M. Garnett, of New York, to be United States District Judge for the Southern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Massachusetts (Mr. MARKEY), the Senator from Georgia (Mr. OSSOFF), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—49

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

NAYS—46

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

NOT VOTING—5

Graham Markey Warnock
Hickenlooper Ossoff

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 49, the nays are 46.

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 Margaret M. Garnett, of New York, to be United States District Judge for the Southern District of New York.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

EXECUTIVE CALENDAR—Continued

VOTE ON GARNETT NOMINATION

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

Mr. BOOZMAN. 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. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Massachusetts (Mr. MARKEY), the Senator from Georgia (Mr. OSSOFF), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—49

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

NAYS—46

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

NOT VOTING—5

Graham Markey Warnock
Hickenlooper Ossoff

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 senior assistant 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. 117, Jose Javier Rodriguez, of Florida, to be an Assistant Secretary of Labor.

Charles E. Schumer, Tina Smith, Tammy Baldwin, Alex Padilla, Michael F. Bennet, Richard J. Durbin, Christopher Murphy, Sheldon Whitehouse, Jeff Merkley, Margaret Wood Hassan, Catherine Cortez Masto, Debbie Stabenow, Jack Reed, Richard Blumenthal, Chris Van Hollen, Tammy Duckworth, Peter Welch.

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 Jose Javier Rodriguez, of Florida, to be an Assistant Secretary of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Massachusetts (Mr. MARKEY), the Senator from Georgia (Mr. OSSOFF), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 318 Ex.]

YEAS—44

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

NAYS—51

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

## NOT VOTING—5

Graham Markey Warnock  
Hickenlooper Ossoff

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. The motion is not agreed to.

The motion was rejected.

The majority leader.

## MOTION TO RECONSIDER

Mr. SCHUMER. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

## EXECUTIVE CALENDAR—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to the consideration of Executive Calendar No. 379, Micah W.J. Smith to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read as follows:

Motion to proceed to Executive Calendar No. 379, the nomination of Micah W.J. Smith, of Hawaii, to be United States District Judge for the District of Hawaii.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, as in legislation session, I ask unanimous consent that the Committee on Finance be discharged and the Senate proceed to the immediate consideration of S. 1250; that the Durbin amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I think I would like to—

The PRESIDING OFFICER. I am sorry. Proceed.

Mr. DURBIN. I thought that they told me the script was for some other reason.

I ask consent to withdraw the request until—I made a misstatement, and Senator GRASSLEY and the Senator from Idaho would agree.

Mr. CRAPO. I would. I would agree.

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

## PRESCRIPTION DRUGS

Mr. DURBIN. Thank you. I am new here. I am sorry I made that mistake.

Mr. President, for years, one of the greatest challenges facing American families has been the rising cost of prescription drugs. A recent AARP survey found that the price for the top 25

medications used by seniors has tripled, on average, since those drugs came to market. Those drugs include: Xarelto, Trulicity, Januvia, Jardiance, Humira, and Eliquis.

Now, I imagine most Americans already recognize the names I have read. They sound familiar because they are among the most heavily advertised products and medications on television. You may even have seen one of these ads during the Thanksgiving parade you and your family watched or while you watched a football game this weekend.

Every year, Big Pharma spends more than \$6 billion each year on ads. That is the size of the entire budget of the Food and Drug Administration. In fact, we know that most pharma companies spend more on advertising than on drug research and development of new drugs.

It turns out, the United States is one of only two countries in the world that allows people to run ads on television for prescription drugs. Anybody want to guess the name of the other one? New Zealand. That is the only other country that allows this to occur.

You want to know why pharmaceutical companies spend so much money promoting their drugs? Because it increases their profits dramatically. The average American sees an average of nine ads per day, nine. Pharma thinks if they pummel you with enough ads that you will finally learn how to pronounce and spell Xarelto. You will insist to your doctor that this is the one blood thinner you really need. Sometimes it is easier in a 10-minute meeting for a doctor to just write the prescription than to take the time to explain why the drug may not be needed or a generic version might be just as good for a lot less money.

With billions in targeted spending, patients are bombarded with information but kept in the dark about one fact. Of all the things they mumble and chatter about at the end of these ads, the one thing they never want you to know is how much these drugs cost, the price.

This name is probably familiar to you if you watch television at all, Rinvoq. With billions in targeted spending, patients are bombarded with information like the name of this drug. Take Rinvoq—which is manufactured by an Illinois-based company, AbbVie, for eczema and arthritis—it is now the most advertised drug on TV.

AbbVie spent \$315 million last year on TV ads for Rinvoq alone, but nowhere in the ad did they tell you how much it would cost. Want to guess what it costs for Rinvoq each and every month? The figure is \$6,100. Think about that for a moment.

Well, Senator GRASSLEY and I think it is time for Big Pharma to end the secrecy about the real cost of these drugs. If they are advertising a drug, they should disclose the price upfront. It is a basic transparency measure for patients.

We have introduced bipartisan legislation to require price disclosure in direct-to-consumer drug ads. Our plan is very simple. It has actually passed the Senate once before in 2018. In a minute, we are going to ask consent to pass it again.

Here is why we think this transparency is so important. Earlier this year, a study found that more than two-thirds of drugs advertised on TV were considered “low value.” Those pricey wonder drugs with ads showing people golfing and having fun, they are often no better than the other, more affordable versions of the drugs. So don’t you think it is worth knowing right away that Rinvoq is going to cost you \$6,100 per month rather than waiting for that moment of truth at the pharmacy counter?

One in five Americans do not take their medications as prescribed because they cannot afford it. They cut their pills in half or skip doses because they can’t afford to take the medications as prescribed. Don’t take my word for it. These advertisements often urge you to “ask your doctor if it is right for you.” So we did.

The American Medical Association said:

Direct-to-consumer advertising . . . inflates demand for new and . . . expensive drugs, even when these drugs may not be appropriate.

Think about that—inflating demand for new and expensive drugs, even when they are not the best drug that the person should take.

In 2018, Senator GRASSLEY and I asked the GAO to look at the impact of these ads on television on Medicare’s budget. The GAO found that between 2016 and 2018, these drugs accounted for 58 percent of Medicare spending on drugs. The drugs on television are more than half of the budget of Medicare’s spending on drugs. These ads ballooned Medicare spending to \$320 billion over 3 years. Humira topped the list with \$500 million in advertising in 2018, which contributed to 2.4 billion in Medicare costs.

Let me show you this Humira chart so you get an idea of what we are talking about. I used this chart in 2017 when I first introduced this legislation and when the monthly cost of Humira was a mere \$3,743 a month. Guess what has happened. The cost of Humira has now risen to \$6,900 per month. Shouldn’t AbbVie, the pharmaceutical company that makes Humira, disclose that real cost of the drug to you so you can use the information in making treatment decisions?

Our bill is supported by AARP, which speaks for seniors across America; the American Medical Association, which speaks for doctors across America; the American Hospital Association and 88 percent of Americans support the concept of this bill. How can anyone object to it?

Hold on tight. You will find out.

In fact, President Trump supported it. After our bill passed the Senate but