

Something is very wrong when a company with limited R&D investments can grossly overprice a drug that in its absence virtually guarantees an increase in premature births.

Think of the greed involved here. They paid some number of millions of dollars to do a clinical trial, which was a good thing. They then brought the price from \$10 to \$1,500—times 20, again, with the number of doses people need in their treatment. With an initial investment of less than \$200 million, the first year they would have reaped over \$3 billion in revenue. Those are the kinds of numbers they were operating on, as if that is fair.

When a company used taxpayer-funded research to produce a drug so important that it reduces infant mortality and birth defects, that company should also take on the responsibility for pricing it in a reasonable manner. But prices should never be inflated, particularly on a public health drug where this company did not do the basic foundational research; all it did was pay for clinical trials that did not prove much more than we already knew. A company should never be allowed to inflate prices of a public health drug to reap these kinds of massive profits, nor should the FDA approval process ever be manipulated to achieve that same end, which it was.

While balancing the benefits of corporate profit—and I understand the balance, and I want the companies to continue to invest and move ahead—while it can be challenging balancing corporate earnings and societal benefits, we can't lose sight of our responsibility to make innovative medicines available and accessible to as many people as possible.

I would like to close with a story about why all this matters. Not too long ago—last month, I guess it was, early April—I was in Port Columbus International Airport about to fly to Washington when Karen Turano, whom I never met before, walked up to me to share her story. She has since e-mailed after our discussion where she talked about this drug, and she sent me this letter:

I met you at the Columbus airport with my husband Thad and our 17-month-old son Ryker. Again, I just wanted to say thank you for the work you are doing to make the progesterone shots affordable again.

Our first son, Tyler, was born August 18, 2008 and passed away the next day, August 19, 2008. I prematurely went into labor at 24 weeks and had an emergency C-section. Tyler was born at 9:59, weighing 1 pound 10 ounces.

Thad went to be with [my son] since I was recovering from surgery. He called me early the next morning and told me the worst news a new mother could hear: There was nothing more that could be done and that Tyler would pass away. My mother-in-law took me to see and hold Tyler for the first and last time in his precious life. It was devastating.

Thad and I have since worked with public health advocates to raise awareness on ways to prevent premature births—while following doctor's orders to wait 6 months before we tried again.

After I became pregnant with Ryker, I was monitored closely and started the progesterone shots at 16 weeks which continued through 36 weeks.

She had these shots through 20 consecutive treatments, once a week for 20 weeks.

I am convinced that these shots allowed me to carry the pregnancy to term.

Interrupting the letter for a moment, understand that when a doctor sees someone like Karen who has had a pregnancy like she had where a baby was born that prematurely, that doctor understands that a progesterone like this progesterone we are talking about can make a huge difference in her carrying her baby to full term.

Ryker was born at 38 weeks on October 30, 2009, my Halloween baby. My husband is a Columbus firefighter and I am an attorney practicing in workers' compensation. We look forward to more children in the near future, but the cost of this shot concerns us greatly. We have experienced the horrible pain of losing a child. No mother or father should have to go through this pain.

She writes, signed:

Sincerely, Karen, Thad, Ryker and Tyler Turano.

Today is Karen's birthday, coincidentally. She celebrates with her son Ryker and husband Thad and other family and friends—and she does with Tyler in her memory. I thank Karen for sharing her story and the patients in Toledo, Cleveland, Youngstown, and across our Nation and State who have spoken about this, who deserve the affordable and accessible treatment they need. I am optimistic we can continue to find ways to ensure that the majority of women in this country will still have access to affordable versions of this critical lifesaving injection. It should not take public outrage, it should not take congressional action, it should not take the FDA altering a policy it normally doesn't alter for a company to do the right thing.

Mr. President, as you know, with the unemployment in your State and the unemployment in my State and the problems we have as a nation on so many levels, this is particularly outrageous because this progesterone is a public health pharmacy compound that has worked and meant many more women will have safe births with growing, healthy children, contrasted with, if they do not have the opportunity to get this progesterone at a reasonable rate, at a reasonable price, we know what happens then. But rest assured, we will keep up the outrage, and we will continue to move through Congress, if that is what it takes, to get progesterone at an affordable price to America's women.

It is an outrage what KV Pharmaceuticals did. I applaud the FDA for changing its policy to make it more accessible.

I ask KV Pharmaceuticals to again come to the table. Instead of lobbying Congress to get their way and make a huge amount of money on a relatively small investment, I ask them to come

to the table and work with us so we can make this very important pharmacy compound accessible to all American women whose doctors prescribe it to them.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Whereupon, the Senate, at 6:58 p.m., adjourned until Tuesday, May 10, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

BARBARA K. MCQUISTON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

DEPARTMENT OF STATE

MICHAEL H. CORBIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

JEFFREY DELAURENTIS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JEFFREY DELAURENTIS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

JEANNE E. JACKSON, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

WILLIAM H. MOSER, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

MATTHEW H. TUELLER, OF UTAH, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 15, 2015. VICE JUANITA ALICIA VASQUEZ-GARDNER, TERM EXPIRED.

THE JUDICIARY

STEPHEN A. HIGGINSON, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT. VICE JACQUES L. WIENER, JR., RETIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID C. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DONALD E. GADDIS