Whistleblower Protection Act is helping to shore up accountability measures, improve transparency, and enhance the VA's ability to remove unsatisfactory employees, while also protecting those who speak up about wrongdoing within the VA.

Just this week we passed through more veterans bills. One heads back to the House for final passage. The Veterans Appeals Improvement and Modernization Act will help address the delays that many veterans have experienced by modernizing the VA's antiquated claims appeals process. The other two bills now await the President's signature. The VA Choice and Quality Employment Act we passed earlier this week will provide additional resources to shore up the critical Veterans Choice Program so that veterans who face long wait and travel times at VA facilities will have the option of accessing private care instead. The Harry W. Colmery Veterans Education Assistance Act we passed yesterday will expand access for veterans to GI bill benefits as they transition back to civilian life.

I want to thank the President and his administration for working with Congress to improve healthcare for our Nation's veterans. I also want to thank again Senator ISAKSON for his unwavering leadership on veterans issues and VA reforms. He has never stopped working to strengthen the VA system for those who rely on it and to overcome the systemic problems that have left many veterans frustrated and hurting. These veterans bills can make a real impact in the lives of the people we represent.

That is also true of the FDA legislation we need to pass during this work period as well. I am hopeful we will have the opportunity to do so today. This legislation, which was passed by the HELP Committee on a 21-to-2 bipartisan vote, is more important than ever in light of lifesaving developments in immunotherapy. It has never been more relevant, given that personalized medicine is just over the horizon. Passing this legislation will help speed up the drug approval process for patients in need. It will help address the time and cost of bringing lifesaving drugs to market. It will allow the important work of ensuring our drugs and devices are safe and effective to move forward.

I want to recognize the chairman of the HELP Committee, Senator ALEXANDER, for helping to make this critical legislation a top priority and for working with colleagues to move it in a timely manner.

We are making progress this week for the future of lifesaving medicine for our veterans and for the leadership of our country's most critical agencies. We know we still have more to do in all of these areas, but we are passing critical legislation. We are confirming nominees to important positions, and we are taking steps in the right direction.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2430, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 174, H.R. 2430, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Illinois.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Mr. President, I want to start this morning's presentation on the floor of the Senate with a question. What is the most heavily subsidized private business in America—the for-profit business that receives more Federal subsidies than any other? Is it a defense contractor? No. Is it some farming operation? No.

The most heavily subsidized for-profit, private business in America today is for-profit colleges and universities. Why? Because the revenue they receive from the Federal Government accounts for 85, 90, 95 percent or more of all of the revenue they take in. How can that possibly be? How could you run a private for-profit business and have a Federal subsidy of 98 percent? How is that possible?

Here is how it works. A student graduates from high school. The student applies to a for-profit college or university. The for-profit college or university accepts the student on the condition that the student sign over Pell grants—Federal money—and the student's Federal Government loan. The student signs over the Pell grant, signs over the loan, and is enrolled in the school.

This for-profit school now is home free. They admitted the student. They received all the money from the student, and the student is headed for classes. It works only if the student, at the end of the day, ends up with some value in their education—some experience that helps them go on to get a job to pay off their student loans.

It turns out that, in too many instances, for-profit colleges and universities entice these young people into signing up for classes that are worthless. They end up not preparing them for any job. Now they are in a terrible fix. If they finish the course, they have a heavy, large student debt and they end up in a position where they can't get a job and pay it off.

How often does this happen? Think of three numbers. So 9 percent of students graduating from high school today in America go to for-profit colleges and universities. What am I talking about—for-profit? There is the University of Phoenix, DeVry, Rasmussen, and the list goes on and on. So 9 percent of high school students go to these schools, and 20 percent or more of Federal aid to education goes to these schools. Why? Because the tuition they charge is so high. But here is the kicker: 35 percent, one out of three students in America who defaults on their student loans has attended these for-profit colleges and universities.

We decided under the previous administration, the Obama administration, to start asking some hard questions. How are these for-profit colleges and universities enticing these students in? What are they saying to them to bring them in to sign up for classes and for their student loans?

Secondly, if the students finish their degrees at these for-profit colleges and universities, how likely are they to end up with a job that is worth something—a job that allows them to pay back their student loan? Those are legitimate questions; aren't they? If you were the parent of a child who said: Dad, I just heard about the University of Phoenix, and I want to go to school there, you would obviously say: Well, what are you interested in taking? Is it a good course? How much does it cost? What will be your debt when you are finished? What is your likelihood of finding a job? Those are obvious questions. We put all those questions into something called the gainful employment rule. At the end of graduating from for-profit colleges and universities, will you be gainfully employed as a graduated student into a job that gives you a chance to pay off your student loan and really keeps the promise that the for-profit school made to you?

Just weeks ago, the new Secretary of Education, Betsy DeVos, announced that our U.S. Department of Education was going to rewrite the gainful employment rule. The rule, as I said, was written by the Obama administration after years of contentious debate with the industry. It was designed to ensure that career training programs that receive Federal student aid are meeting their statutory obligation to prepare the students for a job—for gainful employment.

Don't forget that a lot of young people applying for college are in families that have limited college experience. Mom and Dad may have never gone to college. So when you say DeVry or University of Phoenix, Mom and Dad may say: Is it any good, Son? Is it any good,

Daughter? The son or daughter can say: Dad, the Federal Government will loan me the money to go there. It must be a good school. They wouldn't loan me the money to go to a place that is bad. That is a natural reaction. We are, in fact, condoning, endorsing this industry by saying: If you go to these schools, you get taxpayer-funded student loans.

I don't think it is too much to ask the programs promising to train students for specific jobs that actually lead to students being able to get those jobs and, in the process, repay their loans.

The gainful employment rule cuts off Federal student aid if programs where graduates' ratio of student debt to earnings is too high during any 2 years of a 3-year period. We look at the jobs of the graduate of the for-profit schools, we look at the income of the students, and then ask: What is the likelihood that student can make their student loan repayment based on their employment? Is it, in fact, gainful employment?

So prior to leaving office, the Obama Department of Education released gainful employment data for the year 2016. It showed that graduates of public undergraduate certificate programs—now that is those who go to community colleges, different colleges altogether—earn $9,000 more than those who went to for-profit colleges and universities. Do you know what the difference is?

If you decide to go to a community college in my home State of Illinois, in my hometown of Springfield, and go to Lincoln Land Community College—a great community college like most of those in our State—you are going to get an education, a good one, and it will not cost you much. Let me give you the kicker. All of your hours can be transferred to upper level colleges and universities, but if you make a bad decision and go to a for-profit college, different things happen. You end up with a real debt for that first year out of high school and guess what. Virtually none of the credit hours you take at that for-profit school can be transferred to any other college or university. That is the reality of what students face.

Of the programs that saddled students with too much debt compared to the income students receive after the program—listen to this—when we looked at all of the student debt and all of the jobs of all of the graduates across the United States, it turns out, 98 percent of the students who couldn't pay off their student loans after graduating went to for-profit colleges and universities. That was the 2016 analysis. That is what led to the gainful employment rule.

This is cruel to take a young person who is doing just what they were told to do—go to college, get a degree, don't quit with high school—saddle them with debt, make an empty promise about what is going to happen after they graduate, and then they find themselves in a job they can't pay off their student loan. Let me give you a specific example so you can really understand what we have run into.

The digital photography program at the Illinois Institute of Art in Schaumburg, IL—now, let me quickly add, the folks who put this together were pretty smart. We have an outstanding college in Chicago called the Art Institute of Illinois. My daughter graduated from there. However, this bunch, the for-profit group, decided to call their operation the Illinois Institute of Art, instead of the Art Institute of Chicago.

They are owned by a for-profit giant, the Education Management Corporation. They failed the gainful employment rule in the year 2016. Listen to what it wrote on their website for students who wanted to enroll:

> There's a market for people who constantly find innovative ways to fill the world with their ideas, impressions, and insights. And Digital Photography can help you make a positive impression when you're ready to match your talents against the competition. From the very start, we'll guide your development, both creatively and technically . . . it's a step-by-step process that's all about preparing you for a future when you can do what you love.

That is what is on the website for the high school student who likes the idea of majoring in digital photography at the Illinois Institute of Art in Schaumburg. Boy, doesn't that sound good?

So let's contrast that with what the gainful employment rule found about that particular program. Get ready. Do you know what the total cost of the digital photography course was at the Illinois Institute of Art, the for-profit school—total cost of tuition, fees, books, and supplies to prepare you to be a digital photographer? It is $88,000—$88,000. It gets better. That is if you live off campus.

Do you want to live on campus? The company helps you find an apartment nearby. Over the 4 years, it is an additional $56,000.

Let's do the quick math here. That is $144,000 in debt, finishing 4 years, majoring in digital photography at the Illinois Institute of Art. How many students have to borrow money to do that? Eighty four percent of the students who went to that school and took digital photography had to borrow the money—84 percent.

Guess what the typical graduate of the Illinois Institute of Art in Schaumburg, IL, in the digital photography course earns after leaving the program. Do you remember that promise on their website? How much do they earn? On average, it is $20,493—$20,493.

Here is a quick calculation. What if I am being paid the minimum wage in America? In Illinois, it is $9.25 an hour. Well, I would be making right around $18,500 a year in a minimum-wage job. I have gone to the Illinois Institute of Art in Schaumburg to take the digital photography course and instead of making $18,500 a year, I am making $20,493. That is almost $2,000 more a year. Oh, I forget. I forgot $144,000 in debt that I also have. Let's do the math. How many years of an additional $2,000 to pay off $144,000? It is only 72 years, and you would be able to pay off your student debt. What a rip-off. These people ought to be ashamed of themselves, and we ought to be ashamed of ourselves that we are supporting this kind of fraudulent activity at the expense of students who were just trying to get a better education.

That is why we wrote this gainful employment rule, to say to the Illinois Institute of Art and those just like them: Stop it. Stop fleecing these kids, stop burying them in debt. Incidentally, many times parents and even grandparents sign on for that debt too.

You know something else you ought to remember? Of all the debts you could incur in life, there are only a handful of them that can never be discharged in bankruptcy. Student loans would happen to be in that category. Do you know what that means? No matter how bad it gets—and it could get to the point where you have no income whatsoever—no matter how bad it gets, you can't go to the courts and say: Please, turn me free. Discharge this debt in bankruptcy. Give me a chance to start all over again.

You can do it with your home mortgage. You can do it with an auto loan. You can do it if you have a loan for a boat but not with student loans. It is with you for a lifetime.

We have had cases where Grandma decided to help her granddaughter by cosigning the note at one of these miserable schools. The granddaughter couldn't pay back the student loan, and they went after Grandma's Social Security payments. That is what this is all about. That is how serious this can become.

There is no way students leaving that digital photography program at this for-profit college in Schaumburg will ever repay their loans making that money. Under the gainful employment rule, if the Illinois Institute of Art doesn't change its program or lower its price or help its students get better jobs, we would stop providing student loans to the students who are engaged in that program. We are not going to be complicit—we shouldn't be—in this fraud. The rule requires schools to post their gainful employment data online using a new, easy-to-read disclosure so students can read what happened to students who took the digital photography course. Did they get jobs? How much did they earn?

That is also one of the requirements of the gainful employment rule. It requires schools to provide warnings to students in advertising and marketing materials about failing programs so they know before they sign up—they know before they go in debt.

Think about what these disclosures and warnings might have meant to Ami Schneider from Hoffman Estates, IL. Ami went to this notorious art institute—the Illinois Institute of Art—

the Schaumburg digital photography program from 2007 to 2010. She wrote me a letter and told me her story.

Ami said she moved out of her parents' house at age 19, and after a few years, realized she couldn't have the life she wanted with the job she was working. She was getting 50-cent-an-hour raises every year. She said: I wanted to pursue a career, and I really was serious. I was passionate about it. She visited this Illinois Institute of Art campus in Schaumburg. ''I went into [the school],'' she wrote me, ''and they fed me all these success stories. They told me they had [an] excellent placement'' program.

What do you think would have happened if they would have told Ami that at the end of the day, she would have been making slightly more than minimum wage after taking all these courses and incurring all this debt? What if they had been required to tell Ami that employers wouldn't accept her degree and she would never pay off her student loan?

Well, Ami and tens of thousands of students like her across the country would have been spared from a hardship that can change their lives. Ami says her time at the Illinois Institute of Art ''ended up ruining my life.'' In her twenties, she made a decision to go to college, got so deeply in debt, and can't pay it back.

The program culminated in a portfolio show where the students displayed their best work. Do you know how many employers—after Ami finished the course and did her display—do you know how many employers showed up for Ami's class portfolio show at the Illinois Institute of Art? None. Not one.

Ami and her family who took out the loans to help her now hold more than $100,000 in student loan debt from her time at the Illinois Institute of Art. She is stuck with a degree which, as she said, she ''considered a joke.''

Using the questionable legal authority, which she claims she has, the new Secretary of Education, Betsy DeVos, has decided to delay for a year the requirement that schools warn students like Ami about these failing programs—delayed it for a year. That is another year that for-profit education companies will be able to hide the truth about their miserable results. It means students are going to be defrauded because Education Secretary Betsy DeVos has decided to let it happen.

It means more students like Ami and more Federal dollars in the pockets of these greedy, for-profit college executives. You wouldn't believe what these people pay themselves who head up these for-profit colleges and universities. Take the most successful basketball coach in the United States of America at the college level, take the most successful football coach in a State like Alabama, take a look at what they get paid—and I am sure in Alabama they would pay them even more if they could—and then compare it to what these CEOs pay themselves off these poor students. It is disgraceful. For the sake of the students and taxpayers who immediately would benefit from real warnings, it is time for us in Congress to speak up.

We also know Secretary DeVos intends to eventually rewrite the gainful employment rule, what she called a ''regulatory reset.'' What does that mean?

We hear a lot of speeches on the floor about too much government regulation. If you were Ami Schneider or her parents, would you consider a disclosure to students about the real results of their education, a disclosure to students about the debt they are going to incur and the income they are likely to earn overregulation by the Federal Government?

We are putting a lot of money on the line to give $100,000, at least, of the Federal taxpayers' dollars to Ami to go to school, but she has to promise to pay it back. If she defaults, that money isn't paid back into the Treasury. For the good of the taxpayers as well as for her family, we should have some basic regulations, some basic accountability.

While Secretary DeVos says the rule is unfair and arbitrary, the Department of Education Inspector General agreed with the assertion that it was a good rule in terms of protecting kids and protecting taxpayers. I am proud to say the rule is supported by many State Attorneys General, including Lisa Madigan in my home State of Illinois, veterans groups, and student advocates.

Secretary DeVos said the gainful employment rule has been ''repeatedly . . . overturned by the courts'' Wrong. In effect, since it went into effect in 2015, every Federal court it has been in front of has upheld the underlying rule. The Secretary is just plain wrong.

It is time for Secretary DeVos and the Trump administration to stop aiding and abetting for-profit colleges that defraud students and bilk taxpayers.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATIONS

Mr. SCHUMER. Mr. President, as the Senate wraps up its work this week, I have been in multiple discussions with my friend the majority leader about clearing nominations with bipartisan support, and we have made significant progress. Now that we have moved past the terrible process used on healthcare, I hope we can get back to our normal way of legislating and clearing noncontroversial nominees. The two are tied together. They can't avoid regular order when they want to and say that Democrats should use regular order whenever they want us to.

Now that healthcare is done, I think we can tie the two together—the normal way of legislating, clearing noncontroversial nominees as we move forward in September. Of course, controversial nominees will still require the proper vetting, but I am committed to help move noncontroversial, bipartisan nominees forward.

I hope the fever is breaking. There is a real desire in this body to move past the acrimony of the healthcare debate and get to a place where we can work together to advance legislation that helps the American people. I am hopeful that the discussions between the Republican leader and me will produce a package of nominees we can confirm today.

TAX REFORM

Mr. President, the Republican leader has said that the next big issue this body will take up is taxes. Democrats were excluded from even participating in healthcare discussions from the very first day of Congress, a process that ultimately ended in failure. So we have made the first overture this time to show our Republican friends we are serious about a bipartisan process on tax reform. We sent them a letter outlining three very basic principles. This is a guideline for our Republican colleagues to come work with us. These are very simple principles that I think the vast majority of Americans would support. Let me say what they are.

First, the Republican leader has said that he would pursue reconciliation again, a process that purposefully excludes Democrats almost again on the first day we begin to talk about tax reform. The majority leader brought down the curtain on bipartisan tax reform before a discussion between our two parties could even begin. He says that Democrats don't want to have a bipartisan discussion. Of course we do. We have said this over and over again until we are blue in the face, but I guess the majority leader somehow didn't like the three principles we laid out, and I would like him to specifically answer what it was.

We know he probably agrees, so which of these three principles does the majority leader disagree with? Tell us. Which of the three? We know he probably agrees with the third. Surely he can't think that a blunt budget tool that excludes 48 Members of the Senate is a good way to write legislation. He has said so many times himself. I quoted him yesterday.

He warned the Senate about becoming ''an assembly line for one party's partisan legislative agenda.'' Those are Senator MCCONNELL's words. The Senate should not become ''an assembly line for one party's partisan legislative agenda.'' That is what he did on healthcare. Is he doing it again on tax reform? I hope not.

Well, we know he probably agrees with the second principle: no increase to the debt and deficit. We know he agrees because he has said so before. The Republican leader and Members of his party have spent decades assailing the debt and deficit. As recently as May 16, the Republican leader told

Bloomberg TV that tax reform will have to be revenue-neutral, so that one doesn't seem to be it. Again, I would like to hear what he has to say explicitly so that we can work together.

It leaves us with the first principle: no tax cuts for the top 1 percent. Here again, I understand why the majority leader and my Republican friends don't want to come out and say that this is the reason they have decided to pursue a tax bill on their own, but it almost certainly is.

Tax cuts for the wealthy are extremely unpopular with the American people—and for good reason. The top 1 percent of this country takes 20 percent of our income, a great percentage of its wealth. The wealthy are doing well. God bless them. Their incomes are going up at a faster rate than those of anybody else, but when we are talking about our Tax Code and rewriting it, we shouldn't be focused on giving the 1 percent another tax break while millions of working families struggle to afford the cost of college, prescription drugs, food, and healthcare.

I am afraid the majority is in the same boat as they were with healthcare. They don't want to say that their real reason for changing healthcare is wanting to slash Medicaid. A good number of courageous Members on the other side said: We won't do that. But that was the core of the Senate bill. They knew it was unpopular with the American people, so they didn't talk about it. They entered into a process that hid it from the American people.

I think, unfortunately, history is repeating itself. They know how unpopular cutting taxes on the top 1 percent is, but for the special interest, Koch brother wing of their party, that is their No. 1 goal. All they talk about is cutting taxes on the wealthy. So they are stuck. When will my colleagues have the courage to break free from the Koch brothers and special interests?

Don't give breaks to the top 1 percent. Everyone knows they don't need it. It is an old, discredited idea that has lost its steam except among the hard-right, Koch brother wing of the Republican Party. Most Americans—Democrats, Republicans, and Independents—don't go for it. So break free.

If our Republican colleagues' whole basis for doing tax reform is cutting taxes on the top 1 percent, we are going to send that message from one end of America to the other, and their ideas will certainly fail, as they did with healthcare.

In a related point, I saw this morning that President Trump has been bragging about the success of the stock market, which, by the way, was already going up. It went up more points under President Obama than under President Trump. It started going up years ago. It is just continuing. Most economists would give President Obama at least as much credit as President Trump. But that is not the point I wish to make.

The stock market is mainly owned by the wealthy. As of 2013, the top 20 percent own 92 percent of all stock shares. So when the stock market is going up, it is helping the 1 percent.

Average Americans are not looking for stocks to go up, not looking for corporate profits to hit record levels, as much as they are looking at how are their paychecks, how are their expenses. That is why we have a better deal for them. We want paychecks for average Americans to go up. We want expenses for average Americans to go down. We want them to have better tools, so they and their kids can make a better living in the 21st century.

The focus of the stock market is on people at the highest end. Many will dispute whether President Trump deserves credit for it, but whether you think so or you don't—I don't, by and large—it is not what the American people are looking for, and it is not a basis for bragging about the economy.

Well, going back to taxes—the American people will rebel against a tax cut for the wealthy, so the Republicans clearly will not talk about it in their plan. They will give a crumb to the middle class and try to hide a massive giveaway to the already fortunate. I can see no other reason why they object to these three very reasonable, very popular principles other than that, and we hope they will not try to sneak it through in the same partisan process.

IMMIGRATION

Finally, Mr. President, a word on immigration: Yesterday, I heard the President railing against migrant workers and wrapping his arms around the Cotton-Perdue bill. The bill goes after hard-working people who want to play by the rules, contribute to our economy, and earn citizenship, while doing nothing to address the unscrupulous practices of employers who abuse our visa programs to outsource jobs and displace American workers.

Here is what I would like to focus on. The President has this nice announcement that he is cutting back on immigration, but a month ago he actually increased the number of H–2B visas—a program the President knows well. Why? A lot of those with H–2B visas work in hotels. I don't know how many, but I bet a good number are in Trump Hotels. So when the President actually looks at immigration in his own businesses, he says: We need more immigrants. When asked before, he has said: Well, we couldn't get American workers. But when he comes up with his big immigration plan—I think not appealing to the higher instincts of Americans—he says: Slash it. Those two are complete contradictions. To hold both of those views is to hold hypocritical views.

The President wants to talk about immigration because he thinks the politics are to his advantage, but, in truth, his immigration policy has a stunning hypocrisy at the core of it. The President criticizes and seeks to limit almost every immigration program except the one that benefits his own business.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

I rise in support of the Food and Drug Administration Reauthorization Act that we are now considering. Let me begin by commending Chairman ALEXANDER and Ranking Member MURRAY of the Senate Health, Education, Labor, and Pensions Committee for their leadership in bringing this important legislation to the Senate floor. This bill is the product of bipartisan, bicameral work and is proof that we can make progress when we work together on the areas where we can find agreement.

FDA user fees, which are reauthorized under this bill, are critical to moving the most advanced research from a promise to a cure and ensuring that new treatments reach patients in need. User fees, where companies fund a portion of the premarket review of their products, account for more than one-quarter of all FDA funding. Yet the FDA's authority to collect these fees will expire at the end of next month unless Congress acts, thus the urgency of getting this bill across the finish line.

That is why it is imperative that we advance this bill now and ensure that work on these promising new pharmaceuticals continues uninterrupted.

In May, the HELP Committee, on which I am pleased to serve, overwhelmingly approved bipartisan legislation to extend and reauthorize the FDA fees in order to support the public health of our Nation. The bill before us also incorporates many provisions that were advanced by individual Committee Members. It is a great example of how a committee process should work. It was collaborative. We each brought ideas to the table, and during our markup, those ideas were offered as amendments and in many cases incorporated into the legislation.

I thank the chairman and the ranking member for including in this important legislation provisions that I authored with Senator CLAIRE MCCASKILL. Those provisions seek to accelerate the review process for prescription drugs in cases where there is limited or no competition. Our purpose is to lower or at least moderate the escalating prescription drug prices that are one of the key cost drivers in our healthcare system today.

During the last Congress, our Senate Aging Committee, which I chair—and at that time Senator MCCASKILL was the ranking member—had a bipartisan investigation into the causes, impacts, and potential solutions to the egregious price spikes for certain off-patent drugs for which there were no generic competitors.

Now, let me explain this situation a little more.

What we found was happening is that in cases in which the patent on the

original brand name pharmaceutical had expired, there were these companies that were not traditional pharmaceutical companies—they were not firms that had invested hundreds of millions in R&D in order to develop a new prescription drug. That is not what we are talking about. We are talking about these pharma companies—I call them hedge fund pharmas—that wait until the patent has expired, then buy the pharmaceutical drug and virtually overnight impose egregious price increases. One of the executives of these companies, when asked why he did so, answered simply ''because I can.''

Obviously, that has a very detrimental impact on patients, on healthcare providers, on insurers, and on Federal programs such as Medicaid and Medicare.

So building on our investigation, Senator MCCASKILL and I sponsored legislation, called the Making Pharmaceutical Markets More Competitive Act, to foster a more competitive generic marketplace and to improve access for affordable medicines. That is key. If we can have more competition in the prescription drug marketplace, that is what drives down costs, and that is what drives down prices. We know that from our experience when generic drugs come on the market.

The bill that we are considering today that is based on our legislation includes key provisions which were adopted unanimously as an amendment that I sponsored during the committee markup.

First, our provisions would require the FDA to prioritize the review of certain generic applications. It would set a clear timeframe of no more than 8 months for the FDA to act on such applications where there is inadequate generic competition. This would help to resolve situations in which there are drug shortages, as well as circumstances in which there are not more than three approved competitors on the market.

The Aging Committee's investigation into sudden price spikes found that older drugs with only one manufacturer and no generic competitor are particularly vulnerable to dramatic and sudden price increases.

One company that we investigated, Turing Pharmaceuticals, increased the price of a drug called Daraprim, which is a lifesaving drug for serious parasitic infections, from $13.50 a pill to $750 a pill—an increase of more than 5,000 percent—and they did so literally overnight. Now, keep in mind that this company, Turing Pharmaceuticals, had nothing to do with the costly research and development that brought about this lifesaving drug, known as Daraprim, but after they bought the drug—after the patent had expired and they saw that there was no generic competitor—they increased the price overnight by 5,000 percent. This price hike for a drug that has remained unchanged since 1953 is unacceptable and underscores the urgent need for legislation to prevent bad actors from taking advantage of a noncompetitive marketplace.

Second, the bill would improve communications between the FDA and the eligible sponsors prior to the submission of an application for the approval of a generic drug. That would improve the quality of applications from the beginning, increasing the chances of successful approval by the FDA.

Third, new reporting requirements would provide increased transparency into the backlog of applications for drug approvals and pending generic and priority review applications.

Fourth, this bill would provide the public with accurate information about drugs with limited competition. Drug manufacturers would be required to notify and provide rationale when removing a drug from the market, and the FDA would publish a list of off-patent brand name drugs that lack generic competitors, so that if you were a generic drug company, you would know that this would be an opportunity to develop a competitor drug.

I give the new FDA Commissioner a great deal of credit for his incorporating some of our provisions. He cares deeply about this issue.

Finally, this bill would streamline the regulatory process to address incidents in which the delayed re-inspection of manufacturing facilities becomes a barrier to generics entering the marketplace.

By taking these steps, we will enhance regulatory certainty for generic drug companies, help to prevent shortages, increase competition to lower prices and prevent monopolies, and deter practices that can lead to unjustifiable, exorbitant price hikes.

I am pleased that the legislation also includes another bill that resulted from our Aging Committee's investigation. This provision will help to prevent bad actors from receiving unwarranted vouchers under the Tropical Disease Voucher Program.

This program was intended to incentivize the development of medicines for neglected diseases, yet was exploited by the notorious Martin Shkreli, the founder of Turing. After spiking the price of Daraprim, he purchased another decades-old drug—one, once again, without a competitor—that is used to treat a life-threatening infection that is rare in the United States. Mr. Shkreli sought to use the Tropical Disease Voucher Program to gain exclusivity and hike the price for a drug that is not, in fact, a new drug.

Our legislation revises the program to better ensure that it achieves its intent, which is to spur the development of therapies that are truly new in order to treat and cure neglected diseases.

Drug companies should not be able to increase their prices dramatically by thousands of a percent overnight without any justification—without the development of modifications in the drug that improve its effectiveness, for example.

Our legislation will help to foster a much healthier and more competitive generic marketplace as the best defense against such exploitation. I am pleased that our bipartisan plan will increase generic competition, which is so important for American families and our seniors, particularly, who take a disproportionate number of the prescription drugs that are prescribed in this country.

Before closing, let me briefly mention another important provision in the bill before us, the Over-the-Counter Hearing Aid Act of 2017. Approximately 30 million Americans experience age-related hearing loss. Yet only about 14 percent of those with hearing loss use assistive hearing technology, often because they simply cannot afford the price of costly hearing aids.

We know from a hearing that we recently held in the Aging Committee that social isolation among our seniors can be exacerbated by hearing loss that is left untreated. That, in turn, increases that social isolation and increases the risk of serious mental and physical health outcomes. By making some types of hearing aids available over the counter, just as people buy readers to see with, which are over-the-counter eyeglasses, this legislation will help increase access to and lower the cost of the products for the consumers who need them.

The legislation we are considering today will help to bring lifesaving drugs to the marketplace and will ensure that the FDA continues to operate smoothly and, most importantly, that promising therapies make it to the American people.

Again, I commend Chairman ALEXANDER and Ranking Member MURRAY for their leadership, and I encourage all of our colleagues to join me in supporting this important legislation.

Thank you.

I yield the floor.

Mr. ENZI. Mr. President, I wish to express concern with section 709 of H.R. 2430, concerning over-the-counter, OTC, hearing aids.

I have a daughter who has worn hearing aids since she was a toddler. I have firsthand experience with the kind of expertise needed by providers to ensure that those who require a hearing aid have their specific and unique medical needs met.

I believe that everyone on all sides of this issue desire the same thing, and I appreciate Chairman ALEXANDER working with me to get a study relating to this matter. I believe that we are all working, in sincerity, towards a goal of providing those who would benefit from hearing aids with access to safe and effective products that will help them live the kinds of lives which they choose and desire. That being said, I am concerned about a policy which will create a division between a healthcare provider and a patient who needs that provider's expertise.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

CLOTURE MOTION

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 motion to proceed to Calendar No. 174, H.R. 2430, an act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

Mitch McConnell, Steve Daines, Mike Crapo, James M. Inhofe, Lamar Alexander, Pat Roberts, Thom Tillis, Orrin G. Hatch, John Cornyn, Cory Gardner, Roy Blunt, James E. Risch, Roger F. Wicker, Tim Scott, John Thune, Mike Rounds, John Hoeven.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2430, the FDA Reauthorization Act of 2017, 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. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—96

Alexander	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Harris	Reed
Boozman	Hassan	Risch
Brown	Hatch	Roberts
Cantwell	Heinrich	Rounds
Capito	Heitkamp	Rubio
Cardin	Heller	Sasse
Carper	Hirono	Schatz
Casey	Hoeven	Schumer
Cassidy	Isakson	Scott
Cochran	Johnson	Shaheen
Collins	Kaine	Shelby
Coons	Kennedy	Stabenow
Corker	King	Strange
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	Young

NAYS—1

Sanders

NOT VOTING—3

Burr Inhofe McCain

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that after the disposition of the Brouillette nomination, the Senate resume consideration of the motion to proceed to H.R. 2430, that all postcloture time be expired, and the motion to proceed be agreed to; further, that there be no amendments in order to H.R. 2430, that there be 10 minutes of debate equally divided in the usual form, and that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

JESSIE'S LAW

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 581 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 581) to include information concerning a patient's opioid addiction in certain medical records.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Manchin-Capito substitute amendment be agreed to, the bill, as amended, 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?

Without objection, it is so ordered.

The amendment (No. 752) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Jessie's Law''.

SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient's history of opioid use disorder should, only at the patient's request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient's request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient's opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient's opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, to have access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

The bill (S. 581), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

BETTER EMPOWERMENT NOW TO ENHANCE FRAMEWORK AND IMPROVE TREATMENTS ACT OF 2017

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1052 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1052) to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, 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.