

transparent process. A better regulatory process will lead to better regulations. Better regulations will make certain our air, water, and land is protected, our economy continues to grow, and American jobs can continue to be created.

Attorney General Pruitt has had a rigorous vetting process since first being nominated by President Trump. He has answered more than 1,200 questions from Senators, more than 1,000 more questions than nominees for the EPA Administrator from the incoming Obama administration to the Bush administration or the Clinton administration. Additionally, his confirmation hearing was the longest for any EPA Administrator.

I, personally, would like to thank Chairman BARRASSO for spearheading this fair and very transparent confirmation process. I would also like to thank Attorney General Pruitt for taking the time to answer all of the questions that were asked of him and meeting with Senators both on and off the EPW Committee.

General Pruitt's impressive background and depth of knowledge on EPA issues make him well suited to be the next EPA Administrator. As a member of the Senate Environment and Public Works Committee and chairman of the subcommittee which has oversight of the EPA, I look forward to his eventual confirmation and to working with him in the future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRESCRIPTION DRUG PRICES

Mr. COTTON. Mr. President, I recently read a story in the Wall Street Journal that I thought was so alarming it demanded action. Here is the headline: "Marathon Pharmaceuticals to Charge \$89,000 for Muscular Dystrophy Drug After 70-Fold Increase."

Yes, that is \$89,000 a year, and, yes, that is a 70-fold increase—70-fold, as in 7,000 percent.

For those of you who have not read the article, here is the story. There is a rare disease called Duchenne muscular dystrophy. It affects about 12,000 young men in the United States. Most of them, unfortunately, end up dying in their twenties and thirties because of it.

We don't have a cure yet for Duchenne. Until recently, there was not even a treatment with FDA approval. So, for many years, patients and parents have been importing a drug called deflazacort, a steroid, from other countries. Even though it is not a cure, it at least helps treat symptoms and has been a welcome relief to many families.

Well, technically it is illegal to import a drug that doesn't have FDA approval. But there is a catch. The FDA does not quite enforce the ban against all unapproved drugs. In fact, it has issued regulatory guidance saying that you can get an exemption and buy an unapproved drug from overseas if you meet five conditions. First, you have to have a serious illness for which there is no other treatment available. Second, you can't sell the drug. Third, you can't pose an unreasonable risk to your health. Fourth, it has to be for you and you alone. Fifth, you can't buy more than a 3-month supply.

All of that sounds fair enough. But if someone comes along and gets FDA approval for their version of the exact same drug, the exact same chemical composition of the drug that is being imported, then you cannot buy it overseas anymore. That is exactly what happened here.

This was not a new drug. This was not a medical breakthrough. This was not a scientific advance. This was, plain and simple, an arbitrage opportunity. Other people had already gone to the trouble of making a drug that worked, but if you paid the expenses of getting FDA approval, you would essentially buy for yourself monopoly pricing power. That is what other companies missed, and now, to cover the costs of going through that approval process, Marathon is increasing the price from roughly \$1,500 a year to \$89,000 a year.

I don't think it is an overstatement to say that this turn of events is nothing short of outrageous. It defeats the very purposes of our FDA laws. The reason we offer people the chance to create a monopoly is to encourage innovation and medical breakthroughs, to generate new drugs that are going to solve diseases or illnesses.

What we are saying is, if you go to the pain and expense of developing a new treatment, we will give you the sole rights to sell it for a number of years so you can recover your costs, and, therefore, we will encourage more medical breakthroughs to alleviate the pain and suffering of the American people. In other words, monopoly rights are not merit badges. They are not a reward for business smarts. They are supposed to serve the interests of patients. They are supposed to expand access to treatment. But in this case, what we see in our system is, in fact, restricting access and driving up the price for that coverage.

I understand that many people with Duchenne are happy that Marathon has done this because now that the drug has FDA approval, insurance companies will likely cover it—unlike before when people had to pay out of pocket, meaning that poor kids didn't get access to deflazacort, whereas upper middle-class and rich kids typically did.

I also know that Marathon has promised to increase spending on research on a new drug and to help people of limited means afford that treatment. That, too, is all to the good.

I am not casting aspersions on anyone's motives here, but let's be real. Someone has to pay the full price of this drug at \$89,000 a year. We have a drug that used to be available for \$1,500 a year, and now it is \$89,000 a year. Whatever happened, that is a system-wide failure. We as a Congress have to address it.

There is simply no getting around the fact that this story should never have been written in the first place because it should have never happened in the first place. We should be channeling peoples' ambition and entrepreneurial spirit into finding cures, not finding new and clever ways to make a profit. That is what our food and drug laws are designed to do. That is what they have clearly failed to do in this instance.

I just want to say that I am not going to let this story disappear. I am going to work with my colleagues to find a legislative solution to this mess and promote affordable, high-quality healthcare for all, for all families whose young children suffer from Duchenne and for every other orphan disease that has drugs that can be used for treatment and right now are being blocked from the market or for which we are paying way too much money as a society.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, for the last 47 years, the EPA has enforced science-based environmental policies that have resulted in cleaner air and water, the cleanup of some of our Nation's most contaminated lands and waters, and has improved our understanding of our changing climate. All of this has led to a healthier America.

Bipartisan Administrators of the Environmental Protection Agency—everybody from the great Washingtonian Bill Ruckelshaus to most recently Gina McCarthy—took on the role and responsibility as EPA Administrator, knowing that it was their responsibility to protect existing environmental law and to let science be the guide on research and new policies. They took the EPA mission to heart, and they fought to protect human health and the environment.

I have questions about whether the nominee, Mr. Pruitt, follows those same values, and I come to the floor to oppose his nomination to be the Administrator of the EPA.

Mr. Pruitt has repeatedly attacked needed EPA regulations, and he supports polluters at the expense of the environment and health laws. He doesn't believe the scientifically proven causes of climate change are real.

Less than a year ago, then-Oklahoma attorney general Scott Pruitt, working in their State, wrote: "Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind." That was written in the *Tulsa World*.

When questioned by my colleagues during the hearing process, he said: "The climate is changing, and human activity contributes to that in some manner" but the degree of that contribution is "subject to more debate."

The reason I raised these issues is that this issue of climate and climate impact is so real in the State of Washington. It is already happening, and it is already affecting our industries.

As EPA Administrator, Mr. Pruitt would have the responsibility for setting the Agency's agenda, including how to respond to climate change, yet the fact that he doesn't support the existing climate change science puts him in a role where I think he would not protect the economic interests of our State.

We cannot have a lackadaisical attitude about these issues. It is not a hypothesis. It is here. It is happening.

In the Pacific Northwest, it is altering our region's water cycle, putting Washington's farming jobs and our \$51 billion agriculture economy at risk. Wildfire seasons are longer and more severe than ever before. It is costing our Nation billions of dollars.

Warmer water temperatures in our streams and rivers have degraded salmon spawning habitat, led to massive die-offs, and certainly our shellfish industry has been very challenged.

With 25 percent of carbon dioxide emissions being absorbed by our oceans, it is raising the acidity level, and that is impacting the chemistry of Puget Sound. Oceans and their absorption of carbon dioxide emissions and these acidic conditions are making it hard for our shellfish industry to do the type of seeding that needs to take place. It is severely impacting the Pacific Northwest's \$278 million shellfish industry. Ocean acidification has been found to dissolve the shells of important prey species, and the ocean acidification effects then carry up the food chain, if they are not addressed.

If we have an EPA Administrator who isn't going to work to cut down on carbon emissions and thinks that it is only part of the impact, aren't there a lot of Northwest jobs at stake? For example, our maritime economy alone is worth \$30 billion, so I would say there is a lot at stake.

In looking at the record of Oklahoma attorney general Scott Pruitt, he fought EPA regulations that protect public health, including the cross-state air pollution rule, the regional haze rule, the clean air standards for oil and gas production sites, and the clean water rule.

Despite this issue of repeatedly suing the EPA, he recently told Congress: "I do not expect any previous lawsuits to adversely affect my performance as EPA Administrator."

Well, I have serious concerns about how Mr. Pruitt's past lawsuits will influence his aggressive attitude as EPA Administrator in not fighting for the things that are going to protect the jobs and economy in Washington State that count so much on a pristine environment.

A letter was sent by 773 former EPA employees who served under Democratic and Republican administrations, stating: "Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes."

His record does not give me the confidence that he is the right person to lead this Agency at this point in time.

But there are other issues. During his time as Oklahoma attorney general, Scott Pruitt planned the Summit on Federalism and the Future of Fossil Fuels. This summit brought together energy industry executives with attorneys general to strategize against EPA, and they specifically discussed EPA's overreach, as they put it, regarding a very important issue called the Pebble Mine.

The Pebble Mine is an attempt by some who want to actually establish a gold mine in the very place of one of the most successful salmon habitats in the entire world: Bristol Bay, AK.

The EPA followed the letter of the law in their multiyear, science-based assessment of Bristol Bay. They basically made sure that everybody understood what was at risk: that Pebble Mine would destroy up to 94 miles of salmon spawning streams; it would devastate anywhere from 1,300 to 5,350 acres of wetlands; and it would create 10 billion tons of toxic mine waste, which is nearly enough to bury Seattle. And all of this would occur in the headwaters of the greatest salmon fishery on Earth, where half of the sockeye salmon on the planet spawn.

So the notion that this is how this nominee would spend his time—as I said, the mine itself is a direct threat to the \$1.5 billion salmon industry in Bristol Bay. That is 14,000 jobs just in the Pacific Northwest. The importance of making sure that the mine is not located there is of the utmost importance, I say, to the salmon fisheries of the entire Pacific Northwest.

I want to make sure we are putting someone in place who is going to fight for the laws that are on the books and to show leadership, not spend time trying to undermine the Agency, the organization, and its existing authority.

If Scott Pruitt allowed Bristol Bay to go forward, it would be devastating to our State. It would be voting in favor of these polluters instead of making sure that we are protecting science and environmental law.

I have very serious concerns, and that is why I am opposing this nominee. I hope my colleagues on the other side of the aisle will realize that these economies—the ones that depend on clean air and clean water, safe salmon

spawning grounds—are dependent on our doing the right thing to protect what is really our stewardship of this planet that we are on only for a very short period of time. I hope my colleagues will consider all of this and oppose this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I want to speak about this nomination from the standpoint of our State, our State of Florida, because we are famous for sugar-white beaches, fertile fishing grounds, and unique environmental treasures, such as the Florida Everglades. These precious natural resources need our protection and our stewardship. In fact, Florida's multibillion-dollar tourism industry is driven by the fact that people come to our State to enjoy these kinds of environmental treasures.

I have just come from a meeting with the American Hotel & Lodging Association. With multibillions of dollars of investments all over Florida, what happens if the guests don't come? That is a major investment that is lost.

And, oh, by the way, a few years ago during the BP oil spill—when the oil got only as far east from Louisiana as Pensacola Beach, and some oil was in Choctawhatchee Bay and Destin and some tar balls were as far east as Panama City Beach, but not any further—the visitors didn't come because they thought the beaches were covered with oil.

Well, right now Florida's unique environment is threatened by several environmental challenges, from the threat of fracking in this honeycomb of limestone filled with freshwater that supports the peninsula of Florida to algal blooms that have plagued much of Florida's Treasure Coast this last year, to the red tide in the Tampa Bay area, and to Burmese pythons in the Everglades. And that is just a little bitty partialness of the plagues. To deal with these challenges, States such as ours depend on the EPA as a backstop.

I am here to express my concerns about the President's pick to lead this agency. It has been well documented that the President's pick is a friend of the oil industry. There is nothing wrong with that. But this is an industry that has invested hundreds of thousands of dollars in political contributions to Mr. Pruitt and the PACs supporting him over the years.

Ever since I was a young Congressman, I have been fighting to keep oil rigs off the coast of Florida. In the first place, there is not a lot of oil out there, but Florida's unique environment—from what I just told you about, the BP oil spill—its tourism-driven economy, and, oh, by the way, the largest testing and training area for the U.S. military in the world, the Gulf of Mexico off of Florida, as well as all of the testing ranges on the east coast, and how about the rockets coming out of the

Cape Canaveral Air Force Station and the rockets coming out of the Kennedy Space Center—because of all of those, you can't have oil rigs down there. For all of those reasons, it makes Florida incompatible with offshore oil drilling. An EPA Administrator with such close ties to the oil industry is deeply concerning for the people of Florida.

But Mr. Pruitt's ties to Big Oil aren't the only concern that we have in Florida. During his confirmation hearing, Mr. Pruitt said that he believes that his views on climate change are "immaterial" to the job of the EPA Administrator.

Whoa, the EPA Administrator is directly involved in things that involve climate change. I can't think of a more relevant issue for our EPA Administrator to be concerned with because Florida is ground zero when it comes to the effects of sea level rise.

These are not projections, not forecasts. These are measurements over the last 40 years in South Florida. The sea has risen 5 to 8 inches.

By the way, where is three-quarters of the population of Florida? It is along the coast. We are already seeing regular flooding at the mean high tide in the streets of Miami Beach, and they are spending millions on infrastructure in order to get those pumps working to get the water off the streets and raising the level of the streets.

We are seeing the saltwater, which is heavier than freshwater, seep into the ground where there is a honeycomb of limestone filled with freshwater, and the seawater is seeping into the freshwater. So cities are having to move their city well fields further to the west because of the saltwater intrusion, and it only gets worse.

The threat Floridians face every day is a result of this sea level rise that is very real. It is critical that we have an EPA Administrator that understands that there are things that are happening because of climate change. It is not immaterial to the job of the EPA Administrator; it is very relevant.

There is Mr. Pruitt's history of questioning science, especially when the facts conflict with his friends, whom he surrounds himself with, about the effects of science. So whether it is protecting Florida's livestock from deadly parasites or protecting the air we breathe, science informs policy decisions that affect all of us—clean water, clean air. It affects public health, national security, and the environment.

Yet we continue to see troubling reports about scientists being muzzled from the State level all the way up to the Federal level in the EPA. So it just seems that this is unacceptable. Our scientists should be free to publish scientific data and not be muzzled. They should be able to publish their reports without fear of losing their jobs or being censored for using phrases like "climate change."

That is why I recently sponsored legislation to protect our scientists from political interference. The Scientific

Integrity Act would ensure that Federal scientists can communicate their findings with the public. It requires Federal agencies to implement and enforce scientific integrity policies and ensure that procedures are in place so that if those policies are violated, it is known and there is a procedure to deal with that.

I conclude by stating that Floridians and the State of Florida cannot risk the health of our environment or our economy on an EPA Administrator who pals around with folks that do all of what I am talking about—they question our scientists, denying the true threat we face from sea level rise and climate change. Floridians can't afford such a risk, and they shouldn't be forced to take this risk. Therefore, I will vote no on Mr. Pruitt's nomination to be EPA Administrator.

Mr. President, I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. The Senator has that right.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I join my colleagues today to recognize that the environment is critically important. One of the true issues States face is getting back to the promises of the Clean Air Act and Clean Water Act to make sure States enjoy primacy, and I think that is a critical component that is not being discussed today as we look at guaranteed clean water and clean air—making sure that those closest to those issues have the ability to have the input that was anticipated by almost every environmental statute. So I would remind my colleagues that when we focus many times on Federal issues and Federal appointments, one of the most important things that we can do is focus on the fact that these Federal agency heads need to work cooperatively with State organizations.

Scott Pruitt, who is a soon-to-be former attorney general, understands the State role, and I think that is a critical qualification and an important distinction to make.

EX-IM BANK

But I didn't come to talk about the appointment of Scott Pruitt. I came to talk about something we could all agree on, and in fact the President and I agree on this, and I think everyone agrees on this almost unanimously, which is that American jobs matter. Putting Americans back to work in manufacturing is one of the most critical things that we can do in the Senate, making sure that our people have an opportunity to succeed, participate, and have an opportunity to produce goods and services that can be exported and can grow the wealth of our country and grow the economy of our country.

Last week I joined President Trump in a small bipartisan lunch. We had a chance to talk about a variety of issues. There are very many issues that divide us, but this issue unites us. I

specifically talked with the President about the need to get the Export-Import Bank up and running. I also talked to him about the Export-Import Bank in December and talked about the importance of enabling this institution to function for the American manufacturing worker. The great news is that President Trump agrees, and he informed me that we can in fact say he supports the Ex-Im Bank and that he would be nominating someone soon to serve on the Export-Import Bank.

That led off a rash of discussion among the usual naysayers with the Ex-Im Bank, mostly driven by ideology and not fact. So I think it is important to come once again to reiterate the importance of the Ex-Im Bank.

I certainly appreciate the President's interest in making American workers a priority. He will be at Boeing in South Carolina on Friday. I don't know if he will make any announcement about nominating someone to the Ex-Im Bank. I hope he does.

There has been a lot of talk about supporting the economy and boosting American manufacturing jobs, but all that talk falls on deaf ears if we don't take action on the simple issues when we can accomplish those goals, and that simple issue is enabling the Export-Import Bank to function. For decades the Export-Import Bank has leveled the playing field for American workers and businesses. Yet heavy politics is enabling one Senator to put political ideology before the jobs and well-being of thousands of American workers across our country.

We worked very, very hard in 2015. We knew that we were going to be challenged to get the Ex-Im Bank reauthorized. In June of 2015, the Export-Import Bank expired and did not have a charter. It was not authorized for the first time in its more than 80-year history. I fought very hard to reauthorize it, as did a number of my colleagues. Finally, in December 2016, 6 months later, the Bank was given a charter, given an authorization. I want to point out something because I think way too often we think what stops this endeavor is partisan politics. Guess what. Over 70 percent of the House of Representatives voted for the Ex-Im Bank and over 60 percent of the Senate voted for the Ex-Im Bank. This is not a partisan issue. There is bipartisan support. Yet there is a narrow group of people who would rather put ideology ahead of American jobs. It is wrong on so many levels.

Despite the fact, unfortunately, that we finally authorized the Ex-Im Bank over a year ago with overwhelming support, we do not have a Bank that can authorize any credits over \$10 million. That is because it requires a quorum of Bank board members to make that decision. We only have two out of the five members of the board. That means that we don't have a quorum. So what has been happening is that there is \$30 billion—think about that, \$30 billion—of American exports waiting in the queue, waiting for approval, hoping desperately to get the