

FDA posted meeting minutes after every negotiation and held public meetings before discussion began and to hear feedback on the draft recommendations last fall.

We began almost 2 years ago working in a bipartisan way to reauthorize and update the user fee agreements. We held 15 bipartisan Senate health committee briefings, including several with the House Energy and Commerce Committee.

In the Senate HELP Committee, we held two bipartisan hearings on these agreements—one in March and one in April of this year.

We heard from the FDA, witnesses representing the manufacturers of drugs and medical devices, and witnesses representing the patients who rely on the products they make.

Throughout this process, we have worked closely with the House. In April, the leaders of the Senate and House health committees released a discussion draft of bipartisan legislation to reauthorize and update the user-fee agreements and which reflected the recommendations sent to Congress by the FDA in January.

In May, the Senate HELP Committee overwhelmingly approved this legislation reauthorizing the user fees by a vote of 21 to 2. This also included over 20 provisions that were adopted in committee and were priorities for HELP members.

The bill includes provisions from Senators ISAKSON and BENNET to improve the medical device inspection process; Senators HASSAN and YOUNG to improve communication about abuse-deterrent opioid products; Senators ENZI and FRANKEN to encourage medical device development for children and make sure FDA has appropriate expertise to review devices for children; Senators ROBERTS, DONNELLY, and BURR to allow more appropriate classification of accessories used with medical devices; Senators COLLINS, FRANKEN, MCCASKILL, and COTTON to improve generic drug development and help lower prescription drug costs; Senators HATCH, BENNET, BURR, and CASEY to improve access to clinical trials for all patients; and Senators BENNET, RUBIO, VAN HOLLEN, and GARDNER to increase the development of new drugs to treat pediatric cancers and other diseases.

The House passed this user fee legislation on July 12 by voice vote.

Now it is our turn to pass this bipartisan legislation that is integral to helping patients and families who rely on the lifesaving medical innovation that FDA is responsible for reviewing.

The goal of getting this to the President's desk is an important one. If we do not pass this legislation before the end of September, FDA will begin sending layoff notices to more than 5,000 employees to notify them that they may lose their job in 60 days.

If we do not pass this bill, a FDA reviewer who gets started reviewing a cancer drug submitted to the agency in

April could be laid off before the reviewer is able to finish his or her work.

A delay in reauthorizing the user fees would not only harm patients and families who rely on medical innovation, but it would threaten biomedical industry jobs and jeopardize America's global leadership in biomedical innovation.

I am glad the Senate is taking the step of voting on this legislation today. I look forward to supporting this important bipartisan bill and sending it to the President's desk. I urge my colleagues to support it as well.

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS LEGISLATION

Mr. ISAKSON. Mr. President, I rise for a moment to reflect on what was a great night for the U.S. Senate, the U.S. Government, for the population of our country but most importantly for those who served as veterans in the military.

Last night, the Senate agreed to significant legislation on three fronts to make the VA better and more responsive to our veterans.

Ranking Member TESTER and I have spent the entire year working toward making sure we dealt with the needs the VA has so all these stories we see on the front page of papers, stories about there being unsafe conditions, stories about people being mistreated, stories of people having to wait so long for their appointments—we want to put an end to all this, and we have given the Secretary the tools to do exactly that.

I was telling the ranking member this is called “no excuses day.” Secretary Shulkin will have no excuses for any mistakes to be made. Every tool he needs in his toolbox to see that the Veterans' Administration is responsible to the veterans of the United States of America passed in this Senate, passed in the House. There were six major bills the first 7 months of this year, a remarkable achievement, a testimony to teamwork, to staff, and to the leadership of the Republican and the Democratic Parties. The majority and minority leaders of this Senate made it possible for that to happen last night. I am eternally grateful to both of them for their support and help.

I am not going to read all the names of the staff now because we are in limited time.

I ask unanimous consent that the names of every staff member who worked with the VA Committee to make it the best year ever be printed in the RECORD.

Credit is given to captains, Presidents, and people with titles. Senator TESTER and I have the titles, when it comes to the VA Committee, but the reason the VA Committee was successful in accomplishing every single goal, was because of every ranking file member, Republican or Democratic. We took our labels off, we put our armor on, and we plowed ahead. We didn't say no to problems that looked like they

were too hard. We said yes to solutions that looked like they made sense.

Veterans of the United States of America have better healthcare, better educational benefits, and a modern VA to deal with in the years ahead. I am proud to have been a part of it. I want to commend Senator TESTER for his contribution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Staff on the Senate Committee on Veterans' Affairs:

Tom Bowman, staff director, soon-to-be Deputy Secretary of VA; Amanda Meredith, deputy staff director, soon-to-be judge on the U.S. Court of Appeals for Veterans Claims; Leslie Campbell; Gretchen Blum; Maureen O'Neill; Adam Reece; David Shearman; Jillian Workman; Kristen Hines; Thomas Coleman; John Ashley; Mitchell Sylvest; Joan Kirchner; Trey Kilpatrick; Jay Sulzmann; Ryan Evans; Salvador Ortega; and Amanda Maddox.

Mr. ISAKSON. I yield to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Thank you, Mr. President.

I want to thank Chairman ISAKSON for his work on the VA Committee. We have gotten a lot of work done the first part of this Congress because we communicated. We haven't put up artificial barriers. We sat down and all realized taking care of our veterans is the cost of war. We need to do it and live up to the promises of these folks when they signed up. We have done pretty good work.

It is not only JOHNNY. It is not only myself. It is also the people who have served on that committee, many in the Chamber right now. I want to thank them for their commitment to making sure we live up to the promises we made our veterans, but it is about working together. It is about talking to folks. It is about compromise. It is about not digging in but moving together. This is a great country, and it was built by people working together.

The VA Committee is a prime example of people working together. We set aside our differences. We listened to the veterans service organizations. We let them drive the bus, to an extent. We worked with Secretary Shulkin and other leaders within the VA. We have been transparent. We have been honest when we disagreed. We haven't embarrassed one another. Quite frankly, this is the way it can work in this body when we start from a point of agreement rather than disagreement.

We have two bills already signed into law: an accountability bill, which holds VA employees accountable to the veterans, fires bad employees, protects whistleblowers; and the Veterans Choice Improvement Act, which makes VA the prime payer and reduces out-of-pocket expenses for veterans. Then, the bills passed last night to take care of the disability appeals, some 470,000—we are going to expedite that process and bring it down from 3 years to 1 year.

The VA will do that. We will give them the tools to do that. It will simplify it and cut the redtape.

Veterans Choice funding is a fix to allow the private sector to fill in the gaps where the VA can't provide healthcare. It will help recruit and retain more doctors and nurses, critically important, and it expands the capacity in the VA, which is critically important.

Then there is the "Forever" GI bill which eliminates the 15-year limit. It breaks down educational barriers and helps veterans transition into civilian life.

We have done some good work. We have done some good work for this body. We have done some good work, more importantly, for the veterans, and we need to continue on that line as we continue to address healthcare and we continue to address important issues like tax reform. It is about working together. It is about finding common ground. It is about taking everybody's opinion into context and then drafting up bills.

Chairman ISAKSON and I have done that, and we are going to continue to do that. We have some more tough issues to deal with over the next year and a half, but we are going to work together to make sure we do it and we do it right. With help from the committee and help from the Senate, we could have more successes.

I thank the chairman of the committee and thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are considering the nomination of Dan Brouillette to be the Deputy Secretary for the Department of Energy. Mr. Brouillette has a long history of distinguished service to our Nation. He is a veteran. He has served in the Department of Energy. He has been the staff director for the House Energy and Commerce Committee. More recently, he has held high-level posts in the private sector—first, as vice president at Ford, currently as senior vice president at USAA.

He has strong experience and thorough knowledge of the Department he has chosen to return to. He understands the work that its thousands of scientists undertake and the importance of maximizing their research efforts, especially in a time of constrained Federal budgets.

He recognizes the importance of our 17 National Labs and the Department's responsibility for environmental management, including the cleanup of Cold War-era legacy sites. As second in command to Secretary Perry, Mr. Brouillette will oversee programs critical to our Nation's cyber security, energy innovation, and scientific discovery.

Based on his hearings before the Energy and Natural Resources Committee, I am confident he is up for the challenge and ready for this role. I

would urge all of my colleagues to support the nomination of Dan Brouillette to be the Deputy Secretary of the Department of Energy.

Mr. President, I yield all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Brouillette nomination?

Mr. RUBIO. 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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—79

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

NAYS—17

Booker	Heller	Sanders
Cortez Masto	Hirono	Schatz
Duckworth	Markey	Van Hollen
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Harris	Reed	

NOT VOTING—4

Burr	Inhofe
Hoeven	McCain

The nomination was confirmed.

The PRESIDING OFFICER. 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.

LEGISLATIVE SESSION

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and consideration of the motion to proceed to H.R. 2430.

All postcloture time is expired.

The motion to proceed is agreed to.

FDA REAUTHORIZATION ACT OF 2017

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2430) 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 PRESIDING OFFICER. There will be 10 minutes of debate equally divided.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank Senator MURRAY and the committee for 2 years of work to produce a bipartisan result. This bill funds the Food and Drug Administration and advances the 21st Century Cures legislation that Senator MCCONNELL called the most important bill of the last Congress. Senator MURRAY and I have already spoken to the bill and have thanked everybody involved. Senators have other appointments they would like to keep.

I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BARRASSO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted "yea" and the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

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

The result was announced—yeas 94, nays 1, as follows: