making ourselves easily seduced by arguments of drill, drill, drill, with oil companies having record profits and with, of course, the people, our folks, all of us, having to endure $3 a gallon gasoline.

In an ideal world, you could say that you could do both—yes, in an ideal world. But this isn’t an ideal world. This is a world in which the policy has always been drill, drill, drill. We have to break that policy. We have to start on things just like this proposal which is another part of the drill strategy of this administration. Only then are we going to protect our national security and only then are we going to protect our national economy by shifting to other fuels and to vehicles of which we easily have the technology now to get 40 miles per gallon on the fleet average instead of 27 miles per gallon on the fleet average.

You can imagine, if we can do that, instead of relying on a plan to drill for more oil that is not going to become available for another 10 years—if we will change the policy right now, which will have an immediate effect, starting tomorrow, on our consumption of oil—then, only then, will America start to move on a path truly toward energy independence.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1082, which is reported by the committee.

The assistant legislative clerk read the bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions as set forth in the letter from the Secretary to the Subcommittee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

(a) PURPOSE.—It is the purpose of this part that the fees assessed under this part be dedicated toward expediting the drug development process, the process for the review of human drug applications, and postmarket drug safety, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

(b) REPORTING.

(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

(d) REAUTHORIZATION.

(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for fiscal years 2013 through 2017, the Secretary shall consult with—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) scientific and academic experts;

(D) health care professionals;

(E) representatives of patients and consumer advocacy groups; and

(F) the regulated industry.

(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in paragraph (a) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g); and

(B) publish such recommendations in the Federal Register.

(3) PROVISIONAL IMPLEMENTATION.—(A) Provisional implementation provisions.

(1) provide for a period of 30 days for the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

(d) REAUTHORIZATION.—

(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for fiscal years 2013 through 2017, the Secretary shall consult with—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) scientific and academic experts;

(D) health care professionals;

(E) representatives of patients and consumer advocacy groups; and

(F) the regulated industry.

(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in paragraph (a) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g); and

(B) publish such recommendations in the Federal Register.

(3) PROVISIONAL IMPLEMENTATION.—(A) Provisional implementation provisions.

(1) for purposes of this part; and

(ii) striking “the list” and inserting “‘the list (not including the discontinued section of such list)”;

(3) CIRCUMVENTIAL AUTHORITY TO AUTHORIZE AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking “2003” and inserting “2008”;

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) before the period, by inserting “OR WITHDRAWN BEFORE FILING”; and

(ii) in the heading, by inserting “OR WITHDRAWN BEFORE FILING” after “REFUND OF FEE IF APPLICATION REFUSED FOR FILING”; and

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after paragraph (D) the following:

“(E) FEE FOR APPLICATION PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—An application or supplement that has been refused for filing or that was withdrawn before filing, if filed under protest or resubmitted, shall be subject to the fee under subparagraph (A) (unless an exception under subparagraph (C) or (F) applies or the fee is waived or reduced under subsection (d)), without regard to prescription drug user fee law, at a rate of $1,000 for each $3,000 of drug fee, and the refund of 75 percent of that fee under subparagraph (D)”; and

SEC. 102. DRUG FEES.

Section 735 (21 U.S.C. 379g) is amended—