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## House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, May 11, 2017, at 2 p.m.

## Senate

TUESDAY, MAY 9, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Rev. Harold D. Mathena from Oklahoma City, OK.

The guest Chaplain offered the following prayer:

Our Father in Heaven, we bow before You in Jesus's Name to ask Your blessing upon this place, to ask Your blessing upon His people. What a joy it is to have access to the throne of God and be able to intervene on behalf of these.

We trust, Lord, in Jesus's Name that You would give Godly wisdom and discernment to the men and women who serve in this place. We ask You to give them an unusual power and ability to perform and to do the things that are pleasing to You.

We pray, Lord, that You sanctify every person in this room to salvation, that You would enlighten us, enable us to comprehend and know better the mind and heart of God.

Lord, we pray that You would convince us of our sin, of righteousness, and of judgment to come. We pray, Lord, that You would draw an imaginary circle—if we could do that—about this room and that You would get in this circle with us, empowering us and enabling us, equipping us, if You will, to do the work that You called us to do. This certainly isn't a difficult job; it is an impossible job, apart from Divine wisdom, Godly wisdom.

I trust, Lord, even now, that every person who is responsible for the leadership of this Nation would be under the guise and under the leadership of God. We thank You so much for all the blessings of life and for Your goodness to us.

I pray, Lord, even now that You will continue to bless America. In Jesus's Name we pray. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SASSE). The majority leader is recognized.

### NOMINATION OF SCOTT GOTTLIEB

Mr. MCCONNELL. Mr. President, the heroin and prescription opioid epidemic is taking a heartbreaking toll on families and communities across our country. Experts estimate that as many as 2 million Americans are struggling with prescription drug addiction, with heroin and opioid overdoses claiming an average of 91 lives every day.

We continue to read the devastating headlines, too, like one article published by CNN entitled "A Generation

of Heroin Orphans." It told the story of five Kentucky children living with their grandparents due to their mother's addiction. Sadly, this family is not unique. Nearly 3 million grandparents or other relatives across the country are caring for grandchildren. According to experts, this uptick in children left without their parents is due, at least in part, to this epidemic. It is one of the many reasons the heroin and prescription opioid crisis requires continued action.

Americans across the country—law enforcement, nurses, family members, and many others—have dedicated themselves to reversing this crisis. Congress has taken significant steps to combat this growing problem on a bipartisan basis. Through legislation like the Comprehensive Addiction and Recovery Act, CARA, and the 21st century cures bill, we authorized important ways to help fight the opioid epidemic through things like expanded education and prevention initiatives, improved treatment programs, and we bolstered law enforcement efforts. Implementation of these initiatives is already helping to tackle this crisis.

I was proud to support these pieces of legislation because I knew they could make a real impact in the fight against opioid abuse, and they are. We were able to take another positive step just last week. Congress passed an important piece of funding legislation, now law, that is helping advance and support many of the programs Congress authorized in CARA and the 21st century cures bill last year—programs that can advance medical innovation

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and promote research and treatment development.

That funding legislation dedicated significant new resources to the fight against the opioid epidemic. It helped fund groundbreaking research into the field of regenerative medicine. With its passage, Congress took one more critical step forward in the advancement of medical research and addiction treatment.

The Senate will soon have another opportunity to move ahead in the fight against this devastating disease by voting to confirm Dr. Scott Gottlieb to oversee the Food and Drug Administration.

The FDA plays a central role in the approval of new drug treatments and therapies. An important part of the 21st Century Cures Act provided an accelerated pathway for the FDA to approve regenerative medicines. I look forward to having a Commissioner like Dr. Gottlieb, who is committed to the development of groundbreaking medicines and treatments to combat serious illnesses.

Additionally, the FDA will continue to be a crucial partner as States like Kentucky continue their fight against the opioid epidemic. The FDA plays an important regulatory and oversight role in combating this crisis.

I have encouraged the agency to incentivize the approval of safer, more abuse-deterrent formulations of drugs, and I am glad when they have concurred. These types of constructive policy decisions show an FDA that is ready to join the fight against heart-breaking disease and opioid abuse, and I am proud to support that kind of rigorous oversight from the agency.

Dr. Gottlieb has the necessary experience to serve in this key role. Not only has he worked in hospitals, interacting directly with those affected by disease and treatment, but he has also developed and analyzed medical policies in both the public and private sectors. He formed his perspectives on the dynamic public health sector by overseeing medical research and innovation projects.

In 2005, Dr. Gottlieb was appointed the FDA's Deputy Commissioner for Medical and Scientific Affairs. He also has served as senior adviser to the FDA Commissioner and as the agency's Director of Medical Policy Development.

As a practicing physician with a wealth of policy experience, Dr. Gottlieb has the necessary qualifications to lead the FDA at this critical time. The Senate voted to advance his nomination last night on a bipartisan basis, and I look forward to his confirmation.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Gottlieb nomination, which the clerk will report.

The assistant bill clerk read the nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided in the usual form.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### RUSSIA INVESTIGATION

Mr. DURBIN. Mr. President, this weekend we saw a peaceful democratic election in France, one of our key Western allies in the bedrock of European stability after two terrible wars in the last century. What happened just before the Sunday election in France? There was a massive cyber attack on the leading candidate, the one who prevailed, Emmanuel Macron. Whom do experts suspect was behind this cyber attack trying to manipulate another Western election, trying to foster mistrust in that nation's democratic institutions? Not surprisingly, Russia.

Yet none of this should surprise anyone. Not only had Russia been subsidizing Mr. Macron's opponent, Marine Le Pen, who is seen as more sympathetic to Moscow, not to mention trying to interfere in Dutch and German elections as well, but we were warned about this by our own intelligence agencies 6 months ago.

In early October last year, the U.S. intelligence community detailed Russia's attack on America's election and warned us that other attacks would follow. During a recent trip to Eastern Europe, a Polish security expert warned me that if the United States didn't respond to an attack on its own Presidential election by the Russians, Putin would feel emboldened to keep up the attacks to undermine and manipulate elections all through the free world.

What has this administration and this Congress done to respond to the cyber act of war by the Russians against America's democracy? Has President Trump clearly acknowledged Russia's attack on the U.S. and forcefully condemned the actions? No. Has President Trump warned Russia to stop meddling in the United States and other democratic elections in France, Germany, and other countries? No. Has President Trump proposed a plan to help the United States thwart any future attack on the next election and to help our States protect the integrity of

their voting systems? No. Has the Republican-led Congress passed sanctions on Russia in response to this attack on our democracy? Has it passed meaningful cyber security legislation? No.

Quite simply, the failure of this President and Congress to address the security threat is a stunning abdication of responsibility to protect the United States and our democratic values.

As if the conclusions of 17 U.S. intelligence agencies weren't enough to raise concerns, let's review what emerged just over the recent April recess. For example, Reuters reported that a Russian Government think tank, controlled by Russian dictator Vladimir Putin, developed a plan to swing our 2016 Presidential election to Donald Trump and undermine voters' faith in our electoral system.

The institute, run by a retired senior Russian foreign intelligence official, appointed by Putin, released two key reports, one in June and one in October of last year.

In the first, it argued that "the Kremlin launch a propaganda campaign on social media and Russian state-backed global news outlets to encourage US voters to elect a president who would take a softer line toward Russia than the administration of then-President Obama."

The second warning said:

[P]residential candidate Hillary Clinton was likely to win the election. For that reason, it argued, it was better for Russia to end its pro-Trump propaganda and instead intensify its messaging about voter fraud to undermine the US electoral system's legitimacy and damage Clinton's reputation in an effort to undermine her presidency.

It was also recently disclosed that the FBI obtained a Foreign Intelligence Surveillance Court warrant to monitor the communications of former Trump campaign foreign policy adviser Carter Page on the suspicion that he was a Russian agent. Add this to the ever-growing list of suspicious relationships between those in the Trump circle and Russia, from Michael Flynn to Paul Manafort, to Roger Stone, to Felix Sater.

In fact, just last month, the Republican House Intelligence Committee chair, JASON CHAFFETZ, and the ranking Democratic member, ELIJAH CUMMINGS, said General Flynn may have broken the law by failing to disclose on his security clearance forms payments of more than \$65,000 from companies linked to Russia. Yet, incredibly, the White House continues to stonewall requests for documents related to General Flynn.

White House ethics lawyer during the George Bush administration, Richard Painter, wrote of this stonewalling: "US House must subpoena the docs. . . . Zero tolerance for WH [White House] covering up foreign payoffs."

Is it any wonder why, in recent testimony to Congress, FBI Director Comey acknowledged an investigation of Russian interference in our election, which

he said included possible links between Russia and Trump associates.

Finally, over the recess—on tax day, to be precise—there were nationwide protests calling on President Trump to take the necessary step to dispel concerns by releasing his taxes once and for all. The concern over his taxes goes to the serious question as to how much Russian money is part of the Trump business empire. In 2008, Donald Trump, Jr., said Trump's businesses "see a lot of money pouring in from Russia." This was despite his father incredibly saying this just a few months ago: "I have nothing to do with Russia—no deals, no loans, no nothing!"

It appears that the Russians were some of the few willing to take on the financial risk required to invest in Trump's precarious business deals. Any such Russian money, combined with the President's refusal to formally separate himself from his business operations during his Presidency, demand the release of his tax returns. Trump's response to the mounting calls to release these returns—the usual—is to attack everyone asking questions and blindly dismiss the issue as being irrelevant.

Of course, the Senate Judiciary Subcommittee had compelling testimony yesterday from former Acting Attorney General Sally Yates and former Director of National Intelligence James Clapper. Miss Yates discussed the urgent warning that she delivered to the White House Counsel on January 26 that the National Security Advisor to the President of the United States, General Flynn, had been compromised and was subject to blackmail by the Russians. It was a warning she repeated in two meetings and a phone call.

What did the White House do in response to the Acting Attorney General warning them that the highest adviser in the White House on national security could be blackmailed by the Russians? Nothing. For 18 days, General Flynn continued to staff President Trump for a phone call with Vladimir Putin and other highly sensitive national security matters.

Think of that. After being warned by the Attorney General that the man sitting in the room with you, the highest level of National Security Advisor, could be compromised by the Russians, President Trump continued to invite General Flynn for 18 days in that capacity. White House Press Secretary Sean Spicer said:

When the President heard the information as presented by White House Counsel, he instinctively thought that General Flynn did not do anything wrong, and that the White House Counsel's review corroborated that.

Let's be clear. It is bad enough to have a National Security Advisor who is subject to blackmail by the Russians. The fact that the Trump White House didn't see that as an urgent problem is deeply troubling.

I am glad the Senate Crime and Terrorism Subcommittee held this hearing

yesterday, but the occasional subcommittee hearing is not enough. Let's make sure we know for the record that this subcommittee—chaired by Senator LINDSEY GRAHAM, a Republican of South Carolina, and Ranking Member SHELDON WHITEHOUSE, a Democrat of Rhode Island—did a yeoman's duty—not just yesterday but in a previous hearing, without being allocated any additional resources for this investigation, without being given additional staff. They have brought to the attention of the American people some important facts about what transpired in the Trump White House after it was clear that General Flynn had been compromised by the Russians.

But the occasional subcommittee hearing like this is not enough. We need an independent, bipartisan commission with investigative resources and the power necessary to dig into all of the unanswered questions. Until we do, the efforts of this committee or that committee are not enough. It has to be a conscious effort on a national basis by an independent commission.

For President Trump, these issues do not appear to be relevant, yet there is a simple way to resolve the many questions that are before us.

First, disclose your tax returns and clear up, among other questions, what your son said in 2008 about a lot of Russian money pouring into your family business.

No. 2, answer all the questions about campaign contacts with the Russians, including your former campaign manager Paul Manafort, former National Security Advisor Michael Flynn, and former policy advisor Carter Page.

No. 3, quite simply, explain the reports of repeated contacts between your campaign operatives and Russian intelligence.

No. 4, answer all the questions about your close friend Roger Stone's comments that suggest he had knowledge of Wikileaks' having and using, in strategically timed releases when your campaign was struggling, information that had been hacked by the Russians from your opponent's campaign.

No. 5, explain your ties to Russian foreign businessman Felix Sater, who worked at the Bayrock Group investment firm, which partnered with your business and had ties to Russian money.

No. 6, provide all requested documents to Congress related to Michael Flynn, who concealed his payments from the Russian interests. If there is nothing to hide, this is your chance to clear up things once and for all.

To my Republican colleagues I say again that these Russian connections may constitute a national security crisis. We need to have the facts. How long will we wait for these desperately needed answers before we establish an independent commission investigation, as we have done when faced with previous attacks on America?

Finally, how long will we sit by before passing additional sanctions on

Russia for their cyber attack on the United States of America? That attack makes November 8, 2016, a day that will live in cyber infamy in America's history. It is time for the Republicans and the Democrats to show the appropriate concern for this breach of our national security.

We have a bipartisan Russian sanctions bill ready to go to the Senate Foreign Relations Committee. What are we waiting for?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I rise today to speak in opposition to the nomination of Dr. Scott Gottlieb to lead the Food and Drug Administration.

The FDA Commissioner is our Nation's pharmaceutical gatekeeper, but for years the FDA has granted unfettered access to Big Pharma and its addictive opioid painkillers to the American public. The result is a prescription drug, heroin, and fentanyl epidemic of tragic proportions and the greatest public health crisis our Nation currently faces.

At a time when we need its leader to break the stronghold of big pharmaceutical companies on the FDA, Dr. Scott Gottlieb would be nothing more than an agent of Big Pharma. Dr. Gottlieb's record shows that he doesn't support using the tools that the FDA has at its disposal to minimize the risks to public health from the misuse of prescription opioids.

The current opioid epidemic is a man-made problem. It was born out of the greed of big pharmaceutical companies and aided by the FDA, which willfully green-lighted supercharged painkillers like OxyContin. But, in order for us to understand this public health emergency and the critical role that leadership at the FDA has played and will continue to play in this crisis, we need a brief history lesson. We need to understand where these opioids come from.

In 1898, a German chemist introduced heroin to the world—a reproduction of an earlier form of morphine believed to be nonaddictive. The name "heroin" was derived from the German word "heroisch," which means "heroic." That is how men described the way they felt after taking the new drug.

In the first decade of the 20th century, doctors were led to believe that heroin was nonaddictive and prescribed it for many ailments. But heroin addiction soon became prevalent, so the government began to regulate its use, including arresting doctors who prescribed it to those who were already

addicted, and the medical community began to stop prescribing it. Inevitably, the addicted turned to illegal markets to feed their dependence.

Wariness toward prescribing opioid-based painkillers for anything other than terminal illnesses continued through the 20th century, all the way up until the late 1970s and the early 1980s. At that time, the international debate broke out on pain management. The question was asked: Was it inhumane to allow patients to suffer needlessly through pain when opioid-based medications were available?

Many advocates for increased use of painkillers pointed to a 1980 letter to the *New England Journal of Medicine*, which concluded that only 1 percent of patients who were prescribed opiate-based painkillers became addicted to their medication. Known as the Porter and Jick letter because it was named after the two Boston researchers who conducted the research and authored the letter, it fueled a belief that opiate-based prescription drugs were not addictive. It was a belief that began to permeate the medical community.

But there was a problem with Porter and Jick's conclusions. They had only collected data on patients who were receiving inpatient care. As you can imagine, the percentage of patients who became addicted to opiates while in the hospital was only a tiny fraction of the patients who received opiate prescription drugs in an outpatient setting.

But the medical community was not the only group espousing theories that opiates were not addictive. With the FDA's 1995 approval of the original OxyContin, the original sin of the opiate crisis, we can literally point to the starting point of this epidemic. The FDA approved the original version of OxyContin, an extended-release opioid, and believed that it "would result in less abuse potential since the drug would be absorbed slowly and there would not be an immediate 'rush' or high that would promote abuse."

In 1996, Purdue Pharma brought OxyContin to the market, earning the company \$48 million in sales just that year alone. Purdue Pharma claimed OxyContin was nonaddictive and couldn't be abused, and the FDA agreed. Neither of those claims turned out to be true.

Purdue Pharma built a massive marketing and sales program for OxyContin. From 1996 to 2000, Purdue Pharma's sales force more than doubled, from 318 to 671 sales representatives. In 2001 alone, Purdue gave out \$40 million in sales bonuses to its burgeoning sales force. These sales representatives then targeted healthcare providers who were more willing to prescribe opioid painkillers.

As a result of these sales and marketing efforts from 1997 to 2002, OxyContin prescriptions increased almost tenfold, from 670,000 in 1997 to 6.2 million prescriptions in 2002.

Then, in 2007, Purdue Pharma paid \$600 million in fines and other pay-

ments after pleading guilty in Federal court to misleading regulators, doctors, and patients about the risks of addiction to OxyContin and its potential for abuse. The company's president, top lawyer, and former chief medical officer also pled guilty to criminal misdemeanor charges and paid \$34 million in fines.

In many cases, the FDA approved so-called "abuse-deterrent" opioids, despite warnings from the medical community about the potential for abuse. And when it wasn't turning a blind eye to the warnings of experts, the FDA simply didn't engage them at all in approval of opioids with abuse-deterrent properties. With numerous approvals of so-called abuse-deterrent opioids in 2010, the agency convened advisory committees of outside experts for less than half of them.

Mr. President, I note the presence of the minority leader on the floor. At this time I ask unanimous consent to suspend this portion of my statement and to return to it when the minority leader has concluded speaking to the Senate.

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

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, first I wish to thank my friend and our great Senator from Massachusetts, Mr. MARKEY, for the great work he has done on the opioid issue. He was one of the first to sound the alarm when prescription drugs just began to be overprescribed and has worked very, very hard, with many successes, in trying to deal with this problem. We have a long way to go. Things would have been a lot worse without the great work of the Senator from Massachusetts.

I see my colleague from New Hampshire on the floor, as well, and the same goes for her. She has done an outstanding job. She has worked and campaigned on this issue and is keeping her promises, working very hard here in the U.S. Senate. We know that their States are among the top States with opioid abuse problems.

#### RUSSIA INVESTIGATION

Mr. President, at yesterday's Judiciary Committee hearing, we heard from former Deputy Attorney General Sally Yates and former Director of National Intelligence James Clapper. In their testimony, both of them confirmed what we already know—that Russia tried to interfere in our elections and likely will do so again. Underline "likely will do so again."

In particular, Deputy AG Yates made the point that General Flynn misled the Vice President about his contact with the Russian Ambassador and was vulnerable to blackmail since the Russians knew about those conversations.

It is still an open question whether or not the Trump administration will hold General Flynn accountable under our criminal law. Needless to say, his presence in the administration and the length of time it took to dismiss him

raise serious questions about why the President brought him onboard to begin with and why the President and his staff did not respond more quickly to protect our national security.

Both parties in Congress should be focused on the threat posed by Russia's hacking activities and Russia's attempt to influence foreign elections, especially ours. Make no mistake about it. These cyber attacks will not be limited to any one party or any President. Anyone who draws the ire of President Putin—President, Senator, Member of Congress, elected official—could be subject to these dark attacks. Whatever is good for Russia at the moment, whatever hurts the United States the most, that is what he will pursue.

Director Clapper testified that Russia likely feels "emboldened" to continue its hacking activities, given their success at disrupting our 2016 elections. He said:

If there has ever been a clarion call for vigilance and action against a threat to the very foundation of our democratic political system, this episode is it.

Those are his words, not mine.

I hope the American people recognize the severity of this threat and that we collectively counter it before it further erodes the fabric of our democracy.

I couldn't agree more with Mr. Clapper. I hope these hearings are just the start of a bipartisan discussion on how to combat these efforts and safeguard the integrity of our elections. Democrats and Republicans should join together and figure out what Russia had done to us in the past and how we prevent it from happening in the future. Again, as Director Clapper said, the very foundation of our democracy is at stake.

The Founding Fathers, in their wisdom, wrote in the Constitution that we had to worry about foreign interference. It is happening now in a way that has never happened before, and in a bipartisan way we must act.

#### TRUMPCARE

Mr. President, now a word on healthcare. The bill the House of Representatives passed last week is devastating in so many ways and to so many groups of Americans—to older Americans, who would be charged five times as much as others; to middle-class Americans, who will be paying on average \$1,500 a year more for their coverage in the next few years; to lower income Americans, who are struggling to make it into the middle class and who will be paying thousands of dollars more per year; to women, for whom pregnancy could now become a preexisting condition—amazing.

Why are they making these cuts? For all too many on the other side of the aisle, it is for one purpose: to give a massive tax break to the wealthy—folks making over \$250,000 a year. God bless the wealthy. They are doing well. They don't need a tax break at the expense of everyone else, especially when it comes to something as important as healthcare.

Amazingly, this bill is even devastating to our veterans. That is what I would like to focus on for the remainder of my time this morning.

You would think that when the House of Representatives was writing its bill, the House Members would be more careful to make sure that our veterans, who put their lives on the line for our country, wouldn't be hurt by their legislation. In their haste to cobble together a bill that could pass the House, the Republican majority actually prohibited anyone who is eligible for coverage at the VA from being eligible for the tax credits in this bill.

I am sure my Republican friends who rushed to draft this bill thought that was a perfectly fine policy. After all, our veterans can get care at the VA. In fact, many veterans don't get their care from the Department of Veterans Affairs. Yes, they are eligible, but many live in rural communities that don't have a VA facility. Many can't go to the VA because of means testing. Some get treated at the VA for a specific injury related to their service but rely on private insurance for the rest of their healthcare. I am sure some veterans would simply prefer the choice to have private insurance rather than go through the VA.

Under TrumpCare, any veteran who falls into one of these categories would be denied the tax credits they need to get affordable coverage. Let me repeat that. As many as 7 million veterans, possibly more, who qualify for VA healthcare wouldn't be eligible for the tax credits they need to get affordable insurance on the private market.

For the sake of perspective, under TrumpCare, folks who make over \$250,000 a year get a massive tax break while taxes and costs would go up for so many of our brave veterans.

I am not sure it is possible for a bill, and for the party that passed it, to get its priorities more wrong than that. It is the shameful consequence of a slapdash, partisan bill that was thrown together at the last minute—a bill whose purpose, it seems, is not to provide better coverage or lower costs or even to provide better care for our veterans. Its purpose seems to be to provide tax breaks to the very wealthy.

For the President, who lobbied for this bill down to the individual Member, it is another giant broken promise to the working people and, in this case, to our veterans.

President Trump made improving the healthcare of our veterans a theme of his campaign. Just a few weeks ago, he said that "the veterans have poured out their sweat and blood and tears for this country for so long and it's time that they are recognized and it's time that we now take care of them and take care of them properly."

His healthcare bill, TrumpCare, would deny the means of affording private insurance to as many as 7 million veterans and maybe more—another broken promise, saying one thing and doing another. Many of the people who

support Donald Trump don't want to embrace that idea, but it is happening in issue after issue. They will see it—saying one thing and doing another. That is another reason for Senate Republicans to scrap this bill, scrap repeal, and start working with Democrats on bipartisan ways to improve our healthcare system.

Today, we Democrats will be sending a letter to the Republican leadership laying out our position on healthcare. All 48 Democrats and the two Independents who caucus with us have signed it. It has been our position all along: We are ready to work in a bipartisan, open, and transparent way to improve and reform our healthcare system.

Look, we have made a lot of progress in the last few years. Kids can now stay on their parents' plan until they are 26. Women are no longer charged more for the same coverage. There are more Americans insured than ever before. These are good things. We ought to keep them and then build on our progress.

To our Republican friends we say this. Drop this idea of repeal. Drop this nightmare of a bill, TrumpCare, which raises costs on our veterans, and come work with us on ways to reduce the cost of premiums, the cost of prescription drugs, and other out-of-pocket costs. We can find ways to make our healthcare system better if we work together. TrumpCare is not the answer.

I want to thank my friend from Massachusetts for the courtesy.

I yield the floor back to the Senator. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank our leader for his great leadership on all of these national security and healthcare issues. I think he has injected some common sense into how the American people should be viewing each and every one of those very important issues. His national leadership is greatly appreciated.

Let me turn now and yield to the great Senator from the State of New Hampshire, where this opioid epidemic has hit hardest of all, Senator HASSAN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. I thank Senator MARKEY.

Mr. President, I, too, want to thank Leader SCHUMER for his remarks and his work on national security and on healthcare and, in particular, on the opioid, heroin, and fentanyl epidemic, which is the greatest public health and safety challenge that the State of New Hampshire faces and which I know many other States face as well.

I rise today to oppose the nomination of Dr. Scott Gottlieb to serve as the Commissioner of the Food and Drug Administration. It is the responsibility of the Food and Drug Administration, starting with its Commissioner, to protect consumers and stand up for public health.

I have serious concerns about Dr. Gottlieb's record. I also have addi-

tional concerns from his nomination hearing about his stances on critical priorities for people in New Hampshire and across the Nation.

As I mentioned, and as Senator MARKEY has detailed, as well, the most pressing public health and safety challenge facing New Hampshire is the heroin, fentanyl, and opioid crisis. I want to thank the Senator from Massachusetts for his leadership and work in helping to identify the root causes of this terrible epidemic.

Yesterday, I was in New Hampshire, and I met with the Drug Enforcement Agency leaders and personnel there. I heard updates from those on the frontlines about the latest developments in the substance misuse crisis. We discussed the spread of the dangerous synthetic drug carfentanyl, which is 100 times stronger than the already deadly drug fentanyl.

A report released this week by New Futures showed the economic impact of alcohol and substance misuse costs. It costs New Hampshire's economy now over \$2 billion a year. It is clear that we need to take stronger action to combat this crisis.

We have to continue partnering together with those on the frontlines and at every level of government. We need to be developing new tools and leveraging the ones we have to combat this crisis.

What we cannot afford to do is to institute policies that would take us backward. Unfortunately, Dr. Gottlieb has been opposed to the creation of one of the key tools that the FDA has at its disposal—risk evaluation and mitigation strategies, otherwise known as REMS. The agency uses REMS—including, as a strategy, prescriber training—to try to stem the risks associated with certain medications.

The FDA should be making REMS stronger and making sure that all opioid medications have REMS. We don't need a Commissioner who opposed the very creation of the REMS program, as Dr. Gottlieb did. In the midst of a public health challenge as serious as this epidemic, we should be taking—and we have to take—an all-hands-on-deck approach. The fact that Dr. Gottlieb was opposed to the very creation of REMS raises questions about what strategies the FDA would support under his leadership.

There is another issue involved in this nomination of deep concern to the people of New Hampshire. I am concerned about Dr. Gottlieb's record of putting politics ahead of science when it comes to women's health. To compete economically on a level playing field, women must be able to make their own decisions about when and if to start a family. To fully participate not only in our economy but also in our democracy, women must be recognized for their capacity to make their own healthcare decisions, just as men are. They must also have the full independence to make their own healthcare decisions, just as men do.

Unfortunately, this administration has made clear that it is focused on an agenda that restricts women's access to critical health services, including family planning.

Dr. Gottlieb's record has demonstrated that he supports this backward agenda. During his time in the Bush administration, Dr. Gottlieb was involved in a controversial and unscientifically based delay in approving the emergency contraceptive Plan B for over-the-counter use.

I am concerned that under his leadership, the FDA will play political games with women's health once again. I am afraid that he will disregard science-based decisions under pressure from this administration. Dr. Gottlieb's nomination raises too many questions about whether he will put political interests ahead of science and ahead of the safety of consumers.

I hope that he has learned about the priorities of Senators and the constituents they represent throughout the nomination process and that he proves to be a stronger Commissioner than his record suggests. But in voting today, I cannot overlook that record, so I will vote against his nomination, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Massachusetts.

Mr. MARKEY. Thank you, Mr. President.

I thank Senator HASSAN for all of her great leadership as Governor of New Hampshire and now the Senator from New Hampshire. The epidemic has hit New Hampshire very hard, harder than any other place. Her leadership is absolutely outstanding. I thank her for all of her leadership on this nomination as well.

As we look at this issue, we realize that a whole epidemic was being created, but that epidemic was being created because of approvals of "abuse-deterrent" opioids since 2010. I put "abuse-deterrent" in quotes because it was extremely deceptive because too many people felt "abuse-deterrent" meant they could not ultimately become addicted to the medicine. The damage has now been done. The prescription painkiller abuse became rampant across the country. We had become the United States of Oxy, and the opioid issue was well on its way to becoming an opioid epidemic because when those who were addicted to Oxy could no longer afford \$60 for a 60-milligram pill, they opted for low-priced heroin, which is why we should not be surprised that of those individuals who began abusing heroin in the 2000s, 75 percent reported that their first opioid was a prescription drug.

Taking advantage of the new demand for heroin, an incredibly sophisticated network of drug traffickers from Mexico set up franchises in the United States, and now they are responsible for nearly half of this Nation's heroin supply and are branching out from

large urban areas into our suburbs. These systems collided in a perfect storm that has caused the epidemic we are experiencing today: the over-prescription of opioid painkillers that were approved by the FDA, the over-the-top sales and marketing programs by a deceptive and deep-pocketed pharmaceutical giant that went unimpeded for years, and an overabundance of heroin flowing into the United States from Mexico and South America. All of that has led us here.

We know that nationally opioid overdoses kill more people than gun violence or auto accidents. Every single day in America, we lose more than 91 people to an opioid-related overdose. Nationally, nearly half of all opioid overdose deaths involve a prescription opioid that was approved by the FDA and often prescribed by a physician. In Massachusetts, in 2016, 2,000 people died from an opioid overdose.

Who is the typical victim of an opioid overdose? Who is the typical substance abuser? The answer is that there is none. This epidemic does not discriminate on the basis of age or gender or race or ethnicity or economic status. It does not care if you live in a city or in the suburbs. It does not care if you have a white-collar or a blue-collar job. The 50-year-old White male attorney is just as likely to become addicted to prescription drugs or heroin as the 22-year-old Latina waitress. Opioid addiction is an equal opportunity destroyer of lives.

Those addicted to opiates are too often stealing from their friends, their families and neighbors, or complete strangers to fuel their addiction. Cars are broken into, and valuable stereo systems are left intact, while a few dollars in change are stolen. Homes are broken into, and flat-screen television sets remain untouched, while children's piggy banks go missing.

The impacts of opioid addiction are also causing immeasurable harm to the families of those in the unbreakable grip of opioids. Too often, I hear the stories of parents who have drained their entire life savings to provide the treatment and recovery programs necessary to beat this addiction. Many times, it results in bankruptcy filings that were unimaginable only a few short years ago.

The opioid crisis is robbing people of their friends and their families. It is robbing them of their livelihood. It is robbing them of their freedom as they look out from behind prison bars. All too often, it is robbing them of their lives.

If we don't act now, we could lose an entire generation of people. As this opioid crisis explodes in my State of Massachusetts and in every State in the country, we need an FDA leader who will understand that universal healthcare does not mean that every American should have access to a bottle of prescription opioids.

Last year, more than 33,000 mothers, fathers, children, and loved ones were

robbed of their potential when they died of an opioid overdose, but Dr. Scott Gottlieb has openly questioned the value of the Drug Enforcement Administration's enforcement against doctors and pharmacists to prevent prescription opioids from entering the illicit market. The DEA is our prescription drug cop on the beat, but Dr. Gottlieb wants to give that role to bureaucrats at the Department of Health and Human Services, an agency that has consistently failed at any kind of enforcement.

At the same time, Dr. Gottlieb has also publicly stated his opposition to the FDA's risk plans, so called REMS—meaning risk evaluation and mitigation strategies—for the use of these opioids. That is what is used to address the safety of opioid painkillers. These vital tools that the FDA has to manage the risk should be made stronger, but Dr. Gottlieb argues that they should not exist at all. Risk evaluation and mitigation strategies—he says they should not exist at all. With the overwhelming majority of heroin users reporting that their addiction began with prescription opioids, Dr. Gottlieb believes drug safety does not need strong oversight. That is simply irresponsible.

We are suffering this public health epidemic because Big Pharma pushed pills they knew were dangerous and addictive. The FDA approved them, often without expert counsel, and doctors, because they do not have mandatory education on these drugs, prescribed them to innocent families all across our country. It is a vicious and deadly cycle that has turned this Nation into the United States of Oxy, and it must stop.

Dr. Gottlieb's Big Pharma formula is simple: Take away the DEA oversight over prescription opioids and give that authority to the FDA. Then, at the same time, limit the FDA's ability to utilize its full oversight authority over these addictive products. That would leave a mostly unregulated marketplace for big pharmaceutical companies and their opioid painkillers to thrive, while American families pay the highest price they can: the life of someone in their family.

Perhaps most alarming is Dr. Gottlieb's connection to a specific pharmaceutical company called Cephalon. Last month, a Washington Post story was published that detailed Dr. Gottlieb's work on behalf of one company, Cephalon, to raise the amount of the addictive opioid fentanyl that the company could market at the same time the prescription painkiller epidemic was exploding. The Washington Post story detailed how Dr. Gottlieb advocated for the DEA—the Drug Enforcement Administration—to raise the quota of fentanyl that Cephalon could manufacture and put on the market, even while the company was under investigation for pushing doctors to prescribe the addictive painkiller for headaches and back pain when it was meant for late-stage cancer patients.



These aggressive and off-label promotion tactics were out of the Purdue Pharma playbook that got us into this opioid crisis in the first place.

Cephalon ultimately pleaded guilty in 2008 to illegally promoting the fentanyl drug and paid a \$425 million fine. This relationship is deeply disturbing.

Dr. Gottlieb seems to believe that pharmaceutical profits are more important than the public's health. When the prescription opioid epidemic was taking deadly hold, Dr. Gottlieb advocated to put even more addictive fentanyl onto the market when it was not appropriate or necessary.

Dr. Gottlieb said during his confirmation hearing that the FDA unwittingly fueled the opioid epidemic, but he is guilty of intentionally pushing an addictive prescription opioid onto the American public just to benefit one company instead of working to prevent this massive public health crisis. Dr. Gottlieb's actions could have made the opioid crisis worse.

Serious questions remain about Dr. Gottlieb's association with Cephalon, which was fined hundreds of millions of dollars for violating FDA rules.

After his tenure at the FDA, Scott Gottlieb was then hired by a law firm as an expert witness used to defend the actions of Cephalon in court.

In advance of this floor vote, I and a group of other Senators questioned Dr. Gottlieb on this work and the extent of his historical and financial relationship with Cephalon, but we received nothing that shed any light on his relationship with the company.

We cannot have a leader at the FDA who has worked on behalf of a company that aided and abetted the prescription drug and heroin epidemic.

Sadly, Dr. Gottlieb is yet another example of President Trump's lack of commitment to address the opioid crisis. President Trump believes that if we just build a border wall, well, we will end this opioid crisis.

We don't need a wall, President Trump, we need treatment.

President Trump's support for the repeal of the Affordable Care Act and the legislation the House passed just last week means coverage for opioid-use disorders for 2.8 million people could be ripped away. President Trump has proposed slashing the research budget of the National Institutes of Health by 18 percent, undercutting our ability to better understand addiction and come up with alternative, less addictive pain medication.

If President Trump and his Republican allies are committed to combating the opioid crisis, they should release their plan for addressing this crisis, including committing to quickly release the remaining \$500 million authorized last year in the 21st Century Cures Act, and plan for investing more Federal dollars into understanding, preventing, and treating this debilitating disease of addiction. The crisis is wearing families down to the bone

and we need to give them hope. That is what a comprehensive strategy to address this crisis is all about, and strong leadership at the FDA is a critical component of any plan.

We need the FDA to be a tough cop on the beat, not a rubberstamp approving the latest big pharma painkillers that are the cause of this deadly scourge of addiction in overdoses. We need to stop the overprescription of pain medication that is leading to heroin addiction and fueling this crisis. The United States has less than 5 percent of the world population, but we consume 80 percent of the global opioid painkillers and 99 percent of the global supply of hydrocodone and the active ingredients inside of Vicodin.

We also need to ensure that prescribers are subject to mandatory education responsible for prescribing practices. Anyone who prescribes opioid pain medication and other controlled substances must undergo mandatory medical education so we are sure these physicians know what they are doing. The FDA would be in a position to be the primary enforcer of this critical education.

We also shouldn't allow companies to continue to promote their opioids as abuse deterrents. It is misleading. Fifty percent of all physicians believe the "abuse deterrent" that is on the label means the drug is not addictive. Physicians don't even know this is addictive, and we know through Purdue Pharma that this is just not the case.

The FDA is in a prime position to ensure the terminology used for promoting a drug is not confusing or misleading. At this time of crisis, we need a leader at the FDA who recognizes the dangers of prescription painkillers, who will stand up to big pharma and reform the FDA to prevent addiction before it takes hold. Dr. Scott Gottlieb is not that individual.

Dr. Gottlieb's nomination signals a continuation of FDA policy that has cultivated and fueled the opioid epidemic. I strongly oppose Dr. Gottlieb's nomination and call on my colleagues to join me in voting no.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

#### HEALTHCARE LEGISLATION

Mr. VAN HOLLEN. Mr. President, I join my colleague in opposing the nomination of Dr. Gottlieb and thank him for laying out the case.

The FDA, of course, is an important part of our healthcare system, and just last week we saw the House of Representatives jam through a piece of legislation that would wreak havoc on the healthcare system. In fact, many people are appropriately calling what they did "wealthcare" because it represents a huge transfer of wealth away from caring for patients to the very wealthiest in our country, including many powerful special interests.

I think everybody understands—Republicans, Democrats, Independents alike—the Affordable Care Act is not

perfect and specifically that we need to address the issues within the Affordable Care Act exchanges. We need to address those issues to lower the deductibles, lower the copays, and make it more affordable. There are some very straightforward ways of doing that.

One good idea is to create a public option within the Affordable Care Act exchanges, a Medicare-for-all-type choice. What will that do? It will create more competition. That will drive down the price of insurance within the Affordable Care Act exchanges, and it will ensure that you have a provider everywhere in the United States in every community of this country. Even better, the Congressional Budget Office, the last time they looked at it, concluded that it would save taxpayers \$160 billion over 10 years, so it would reduce our deficit.

The House Republican healthcare bill doesn't try to fix the exchanges. What it does is blow up the Affordable Care Act and in the process wreaks havoc on our entire healthcare system. You don't have to take my word for it. Just take a look at the long list of groups that have come out strongly opposed to the House bill, starting with patient advocacy groups, such as the American Lung Association, the American Diabetes Association, the American Heart Association, the American Cancer Society, and the list goes on. These aren't Democratic groups. They don't have only Democratic patients. They have patients who are Democrats, Republicans, Independents, and people who aren't participating in the political process. These are groups that care about patients, they don't care about politics, and they are strongly opposed.

How about those who are providing care to those patients? Well, here is a partial list of the groups that are strongly opposed: the American Academy of Family Physicians; the American Medical Association, the doctors; the American Academy of Pediatrics, the folks who look after the care of our kids; the American Nurses' Association.

Let's look at the hospital groups. The American Hospital Association strongly opposes this; the Children's Hospital Association opposes this, and the list goes on. It is opposed by those who are spending all their time advocating for patients and opposed by those who provide care to patients.

Then you have a long list of senior groups, including AARP, that strongly oppose this because the House bill discriminates against older Americans—people over 50 years old—because it allows insurance companies to charge them a whole lot more for their healthcare than they currently have to pay.

These groups don't care about party. They don't care about politics. They care about patients in our healthcare system, and it should tell us all a lot that they are opposed and strongly opposed to this bill. Now, why is that?

This House bill is rotten at its core. Its foundation was rotten when the Congressional Budget Office first looked at it, and then they made it even worse. Let's look at the foundation of this, which the Congressional Budget Office did have a chance to look at. I do want to remind the Presiding Officer that the head of the Congressional Budget Office was selected by the chairman of the House Republican Budget Committee, the House Budget Committee, the Republican chairman, and the chairman of the Senate Budget Committee, a Republican chairman. They took a look at that first foundation of the House bill, and here is what they concluded. This is right in their report; that 24 million Americans would lose their access to affordable healthcare. That is on page 2 of the nonpartisan Congressional Budget Office report.

Why is that? It is because they take a wrecking ball to Medicaid and a wrecking ball to the exchanges. They don't make the exchanges better. They don't drive down the prices. They make the exchanges worse, and they take a big whack at Medicaid. In fact, they also take a cut at Medicare. In fact, if you go to the table in this CBO chart, I will just refer people to table 3. Sometimes you just have to dig deep in these reports to get to the bottom line. There is an \$883 billion cut that consists of about \$840 billion cuts to the Medicaid Program, \$48 billion cut to the Medicare Program, and I should emphasize that will actually make the Medicare Program somewhat more insolvent. You add it up, you have \$880 billion in cuts to Medicare and Medicaid combined.

I remind people that the Medicaid funding not only went to provide more access to people for healthcare through expanding Medicaid, which many States have talked about and Governor Kasich has been talking about recently, but this bill also cuts the core Medicaid Program to the States, and two-thirds of that money goes to care for seniors in nursing homes and people with disabilities. So it puts all of them at risk. That is \$880 billion in cuts to Medicaid and Medicare and people who need healthcare.

What is the other big number in the House bill? Well, \$900 billion is the amount of the tax cuts in what is being described as a healthcare bill. That is why people are calling this a wealthcare bill because you are cutting \$880 billion out of Medicaid and Medicare and transferring those dollars that are currently being spent to provide healthcare to tens of millions of Americans, transferring that money back primarily to the wealthiest people in this country and corporate special interests.

Under this \$900 billion tax cut, if you are earning over \$1 million a year, you are getting an average tax cut of \$50,000 a year. If you are in the top one-tenth of 1 percent of income earners—we are talking about the wealthiest

people in this country—you are getting an average annual tax cut of \$200,000.

Do you know what they did for insurance companies? They used to say the bonuses that were paid to the CEOs of insurance companies would be taxed, but they took that away. So now insurance companies can essentially pay bonuses and deduct those. They can deduct those now from their bottom line, which drives up the profits of insurance companies by allowing the deduction of CEO bonuses. So we have \$900 billion in tax cuts that primarily go to the wealthiest, and \$880 billion in cuts to the Medicaid Program and Medicare that goes to care for people. That is why this bill is rotten at its core, because it is going to hurt our healthcare system, according to all those patient advocacy groups and all those patient provider groups, and for what? To give this windfall tax break to the wealthy and powerful interests.

That is why it is probably no surprise that when the American people were asked about that original House bill, only 17 percent said: Yes, that is a good idea. Everybody else said: Uh-uh, we don't like what we are seeing. That is the bill I was just describing.

Then the House took that rotten foundation and put even worse stuff on top of it. They added a provision that would eliminate the essential benefits package. These are the provisions that ensure that when you are buying an insurance policy, you are getting something that will be there when you need it rather than a junk policy—the policies people used to get, where they found out after they got sick, “Uh-uh, we are not paying for that,” said the insurance companies “because look here at the back of page 100, last paragraph, fine print, you are not covered for that.” That is why we had an essential benefits package for things like maternity care, mental health care, coverage for substance abuse.

I hear a lot of talk about the problems with the opioid epidemic. Those are real problems that are hurting families around the country. That was part of the essential health benefits—not there in the House bill.

Then, to add insult to injury, they took out the requirement that you have coverage for preexisting conditions in an affordable way. You know, people can play word games all they want. You can say that you have to provide coverage for someone with preexisting conditions, but if the policy you propose is \$200,000 a year, \$300,000 a year, we all know that is a false promise. That is a hoax. That is playing games with the American people. So you can write in any kind of requirement you want that preexisting conditions be covered, but if they are unaffordable, it is not real. That is why the Affordable Care Act put everybody into a pool together, to help reduce the costs so we could make sure we protected people with preexisting conditions—asthma, diabetes or whatever it may be. The House bill pulls the plug

on that. Maybe that is why the House didn't want to wait for the next Congressional Budget Office report to tell them what their bill would do to the American people.

I have already read a little from the original Congressional Budget Office report that was based on the foundation of this House bill. That hasn't changed. That bill is rotten at its core, and as the Congressional Budget Office says, it is going to knock 24 million people off of affordable healthcare, going to apply big tax breaks to wealthy people, but then they added other provisions as well—getting rid of the essential health benefits, getting rid of protections for preexisting conditions. Then it was let's see no evil, let's hear no evil. We are not even going to wait for the next Congressional Budget Office report. I am looking forward to hearing what they have to say.

For the American people, I think the greatest danger is that here in the Senate we are going to hear from a lot of Senators that they don't like the House bill just as it is; yes, we are going to have to make some changes. What I would say to the American people is to beware of people who say they are going to make a change that is meaningful to the Affordable Care Act that the House bill passed—their version of the bill. Beware of people who say they are making a change that is meaningful when it is really only a cosmetic change, when it is really only a small change that then provides some kind of rationale or excuse for supporting a House bill that is rotten at its core.

For example, someone may say: Well, let's do a little more by way of covering opioid addiction. That would be a good idea. But that doesn't salvage a bill that is fundamentally flawed. That doesn't salvage a bill that at its core cuts \$880 billion from Medicaid and Medicare to provide a tax cut of over \$900 billion, most of which goes to wealthy people and corporate special interests.

I would say to all the other people who are on employer-provided healthcare, which are the majority of Americans: Beware, because that House bill will affect you too.

I just want to read a portion from something that appeared in TheUpshot public health section of the New York Times—“G.O.P. Bill Could Affect Employer Health Coverage, Too.” They write:

About half of all Americans get health coverage through work. The bill would make it easier for employers to increase the amount that employees could be asked to pay in premiums, or to stop offering coverage entirely. It also has the potential to weaken rules against capping worker's benefits or limiting how much employees can be asked to pay in deductibles or co-payments.

So for someone who is getting coverage through their employer, beware because this is going to have harmful effects on you.

I want to close with one of the many stories that I have received—and I



know many of us have received from our constituents—about how that House bill would wreak havoc in their lives. Here is one that I received:

I'm 29 years old and was just diagnosed Feb. 24th with breast cancer. . . . I buy insurance myself, and did so with the assistance from the ACA. Without that program in place, I might not have gone in when I felt this lump. I might have waited much longer, just to be told that it was too late. Without this program, I would be bankrupted by the screenings alone just to find out I am dying. . . . Someone told me not to make this political—but this is my life. It will literally be life or death for so many of us.

This is a life-or-death issue for tens of millions of our fellow Americans. I urge the Senate to flatly reject the House healthcare-wealthcare bill, which is rotten to its core.

Let's focus on fixing the issues in the exchanges. We can do that if people of good faith want to work from scratch to address that issue, but let's not blow up the Affordable Care Act and hurt our constituents and tens of millions of other Americans in the process.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I particularly appreciate the comments of my colleague from Maryland about the Affordable Care Act. The fact is, they are taking insurance from 200,000 Ohioans right now who are getting opioid treatment because of the Affordable Care Act, and the vote in the House of Representatives would turn those 200,000 families upside down. They should be ashamed of themselves. Then to go to the White House and celebrate—that is just the ultimate despicable, political act. I just can't imagine that in the 21st century people would actually do that.

The FDA has incredible influence over Americans' lives, and the Commissioner of the Federal Food and Drug Administration will lead the agency dedicated to ensuring that our medicine and food supplies are safe.

It is the job of the FDA Commissioner, and has been for decades, to be an independent check on big pharmaceutical companies, to crack down on Big Tobacco, and to oversee the safety and efficacy of new prescription drugs, including, most essentially in the last few years, opioid painkillers. Unfortunately, Dr. Scott Gottlieb's record gives me serious concern, as Senator MARKEY has pointed out so well, that this Commissioner will fall short on all of these measures.

We know the havoc that opioid painkillers have wreaked on communities across the country. My State of Ohio has had more overdose deaths from heroin, OxyContin, oxycodone, Percocet, opioids, morphine-based opioids; we have had more deaths than any other State in the United States of America. In my State and across this country, people die because of the opioid epidemic; 91 Americans, including 12 Ohioans, will die today—91 Americans, 12 Ohioans will die today—from opioid overdoses.

The Commissioner will have a lot of tools to fight this epidemic that is ravaging our families and our communities. We need all hands on deck to fight this crisis. We need the FDA.

Unfortunately, Dr. Gottlieb's record indicates he would not take the epidemic and the FDA's authority to rein in prescription painkillers and other drugs seriously, which is why I cannot support his nomination.

I don't want to point fingers, but there are a whole host of reasons for this epidemic. One of them clearly is the proliferation of prescriptions and the manufacture of so many of these opioids. They are getting to market, and doctors are prescribing them, and pharmacists are filling them.

I don't point fingers at individual people and even individual industries; we are all at fault and not doing this right. But Dr. Gottlieb has had a cozy relationship with big drug companies for decades as an investor, as an adviser, and as a member of the board for a number of these companies. He supported allowing those same companies to rush their drugs, including potentially addictive opioid painkillers, onto the market before we were sure they were safe—more on that in a moment.

He has called into question the Drug Enforcement Administration's authority to police opioids, despite the fact that these drugs are often sold on the black market. He has defended industry's efforts to market new drugs and devices with minimal safety oversight. He has refused to answer questions about his previous work for pharmaceutical companies that make the opioid fentanyl. We know he participated in a meeting on their behalf at the time that the company was under FDA investigation for pushing off-label uses of fentanyl.

Anyone who thinks we need more fentanyl on the market in many of Ohio's 88 counties should visit the coroner's office. Imagine this: In some counties, the coroner's office has had to bring in refrigerated semitrailers to keep up with the growing body count from the lives lost to overdoses. Think of that; just think of that picture bringing in refrigerated semitrailers to keep up with the growing body count from opioid deaths.

Let Mr. Gottlieb explain himself to the parents, the children, and the friends who have lost loved ones to this deadly drug. A friend of my wife's, a woman she knew growing up, lost her son to fentanyl. He had a 2-year-old child. He was starting to come clean. My understanding is that he relapsed, and he passed away just a few days ago.

We need a leader at the FDA who will step up the agency's efforts to fight this addiction epidemic, which is tearing families upside down. It rips up communities. We need a Commissioner who will fight the addiction epidemic, not one who will roll over for his Big Pharma friends. We need a strong public health advocate to address probably the worst public health crisis of my

lifetime, a public health advocate who will continue to stand up to Big Tobacco with strong rules for all tobacco products, including newer products like e-cigarettes, which are particularly appealing to kids.

The opioid crisis is certainly a bigger health crisis that we face right now, and tobacco is an ongoing public health crisis. We have made huge victories; we have made huge strides and have had huge victories in this country. Young people smoke in significantly lower numbers than they used to. Tobacco companies don't much like that, so they have introduced e-cigarettes. Tobacco companies are buying more and more of the manufacturing capabilities of these e-cigarettes. The FDA hasn't stepped up the way it should. I implore Dr. Gottlieb to do that, but there is no evidence so far that he cares enough to.

Once again, his extensive business dealings call into doubt whether he can seriously serve as the people's cop on the beat when it comes to policing Big Tobacco. Dr. Gottlieb himself invested in an e-cigarette company—the new FDA Commissioner. He probably will be confirmed today. I accept that because for every Trump nominee, no matter their ethics, no matter their background, no matter their inability to serve well, no matter their lack of qualifications for a whole host of their responsibilities, almost every Republican—it is sort of like when one bird flies off a telephone wire, they all do, and they have voted for almost every one of these nominees.

But think of this: Dr. Gottlieb's job is public health, his job is to police Big Tobacco. His job is to stand between these multimillion-dollar marketing executives and the 15-year-old who is attracted to these e-cigarettes with the flavors and the colors and the marketing, and he has invested in the past in e-cigarette companies. What does that tell you? Can we really trust him to impose tough rules on these potentially dangerous products? Can we trust him to protect our children?

Whoever is in charge of the FDA— whoever is in charge—must put the people's safety over drug company profits, whether it is addictive painkillers or e-cigarettes.

I don't think Dr. Gottlieb is the right person for this. I hope I am wrong. I plan to vote no. I hope he proves me wrong. If he does, I will come back to the floor and applaud him. But from his background, from his statements, from his qualifications, from his investments, from his business background, I don't think he fits the bill.

Mr. President, I suggest the absence of a quorum.

Mr. President, I withdraw the suggestion.

The PRESIDING OFFICER. So noted.

#### RECESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Nevada.

##### YUCCA MOUNTAIN

Mr. HELLER. Mr. President, I rise to speak on an issue that is vitally important to the well-being, safety, and security of Nevadans; namely, Yucca Mountain. I have said it before—and I will say it again—that Yucca Mountain is dead. Let me repeat myself. Yucca Mountain is dead, and I will continue to come to the floor until we, as a country, move past this ill-conceived project.

Last week, I had the opportunity to testify before the House Energy and Commerce Committee's Environment Subcommittee regarding draft legislation to effectively restart the licensing process for Yucca Mountain. While I appreciate having had the opportunity to testify in order to ensure that Nevadans' voices on this issue are heard, I am concerned that we are using valuable time and taxpayer resources to hold a hearing on a closed issue.

Let me say this one more time. Yucca Mountain is dead.

Instead of focusing our efforts on reviving failed proposals of the past, I will continue to encourage my colleagues and the administration to focus on policies of the future. The failure to do so will have real economic, environmental, and national security implications for all Nevadans. This afternoon, I will focus on the economic impact that resuming licensing activities, with regard to Yucca Mountain as a nuclear waste repository, will have on my home State.

As many of you know, Yucca Mountain is located just 90 miles from the world's premier tourist, convention, and entertainment destination—Las Vegas, NV. Last year, Las Vegas welcomed nearly 43 million visitors. Over the past decade, the Greater Las Vegas area has been one of the fastest growing in the United States, with a population that now exceeds 2.1 million people, according to an estimate from the U.S. Census Bureau. Any issues with the transportation of nuclear waste to the site or issues with storage there would bring devastating consequences to the local, State, and national economies.

It begs the question, Would you want to go to Las Vegas knowing that high-level nuclear waste was being transported, very likely, through the heart of the strip?

Let me outline the vitally important role tourism plays in the Greater Las Vegas area.

This industry accounts for close to 44 percent of the local workforce and provides close to \$17 billion in local wages. Moreover, tourism has an estimated \$60

billion in local impact. Without tourism, every household in Southern Nevada would pay close to \$3,000 more in taxes. That is a significant amount of money to individuals and families who are working to make ends meet. People visit not only as tourists but as business professionals who attend conferences, meetings, and trade shows, which generate another \$12 billion in local economic impact. Las Vegas has 3 of the 10 largest convention centers in North America, and it has been the No. 1 trade show destination for 23 consecutive years.

This economic driver within the State is a critical component of another related industry that is vitally important to the State of Nevada; namely, the gaming industry. In Nevada, this industry alone supports more than 430,000 jobs, pays more than \$18 billion in wages, and generates close to \$8 billion in Federal, State, and local tax revenues. The reason I draw the Presiding Officer's attention and our colleagues' attention to these numbers is due to the fact that Yucca Mountain will have very real negative economic consequences for Nevadans.

I am proud to come to the floor to stand with the many concerned citizens, many small business operators, and casino operators in opposition to any attempt to restart the repository licensing process. I will continue to work tirelessly to ensure that radioactive waste is never stored anywhere near the world's entertainment capital, also known as Las Vegas. Rather, I encourage my colleagues to partner with me on identifying viable alternatives for the long-term storage of nuclear waste in areas that are willing to house it.

I come to the table with a solution to our Nation's nuclear waste program and am proud to have introduced bipartisan legislation on this issue. My legislation would allow for the construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the Governor of the host State, affected units of the local government, and affected Indian Tribes.

This is consistent with the consent-based siting initiative to site waste storage and disposal facilities that was initiated by the Department of Energy in late 2015. This open process ensures that a State has a meaningful voice in the process and that no State will be forced to accept nuclear waste against its own will.

Identifying communities that will be willing hosts for long-term repositories rather than forcing it upon the States that have outright opposed such a site for decades is the only viable solution to our Nation's nuclear waste problem. The failure to do so will just result in decades of more litigation and in the wasting of more taxpayer dollars without solving the problem at hand.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

##### HEALTHCARE LEGISLATION

Mr. CASSIDY. Mr. President, the topic before us is clearly the repeal and replacement of the Affordable Care Act, and that is what I rise to speak about today. In part I will speak as a Senator, and in part I will speak as a doctor, as I am a physician. My wife is also a physician. I worked in a hospital for the uninsured for many years.

First, let's just describe the state of play. It is so interesting, President Obama's healthcare law, the Affordable Care Act, ObamaCare.

I had two different communications yesterday, one from a sister-in-law in San Francisco. I think her husband voted for BERNIE SANDERS. She is, you know—but she said: This is incredible. Speaking of herself, she said: I am paying \$20,000 a year in premiums, and each of my family members has a \$6,000 deductible.

They have to pay San Francisco prices for everything, and they make good money but not exorbitant money. They are paying \$20,000 a year for a premium, for a young couple in good health, with a family deductible probably of \$13,000.

The next communication was in a phone call with a consultant here in Washington, DC, who does healthcare. He knows his stuff, and at some point, he breaks out of sort of a professional kind of "this is the way I talk," and he says: You don't see my insurance. I am paying \$24,000 a year for premiums, and I have a \$13,000 family deductible. If my family gets in an accident, it will be \$37,000 my family puts out before we see any benefit from our insurance.

I reminded him he would have preventive services, such as a colonoscopy, but that was cold comfort for him.

The reality is that middle-class America can no longer afford the now-ironically named Affordable Care Act. So where does that leave us?

President Trump—I like to say because I think he would say it—established a contract with the American voter. President Trump said that he wanted to continue the number of folks who were covered under ObamaCare, he wanted to take care of those with pre-existing conditions, he wanted to eliminate mandates because Americans hate to be told what to do by the Federal Government, and lastly, he wanted to lower costs. I think the average voter took lower costs to mean lower premiums, not a better CBO score, and lower premiums are really what those two communications are about.

The second thing I will note is that he was very passionate about a particular preexisting condition that the Presiding Officer here in the Senate cares about, which is opioid addiction. And he would go to counties where

there was a high incidence of opioid addiction and speak to how he wished to address their needs.

So I think President Trump's proposals—his contract with the voter—really give us hope. The question is, How do we achieve that? Well, first we have to acknowledge a couple of things.

Rich Lowry is a conservative author for *National Review*, and he wrote a column: Basically, coverage is important. We cannot deny—no one can deny that it is important to have coverage. And if we speak—as the Presiding Officer did at lunch—about the family whose son is addicted to narcotics and the fact that now he has coverage and he is able to get off of the opioids instead of either dying, living in a gutter, or being incarcerated—that is a sign of hope. And when President Trump spoke of the forgotten man or the forgotten woman, in my mind, I think in his mind, he was referring to someone such as that.

So we have to acknowledge, as Rich Lowry did, that coverage is important. My own experience as a physician supports that. I am actually going to quote somebody from my wife's experience. My wife is a retired breast cancer surgeon, and she once told me about a patient who lived in a nice section of my hometown, Baton Rouge, had a nice car and children in parochial school, paying tuition. But her husband died. He always managed the family affairs, and he died, and she ended up uninsured. She had a nice car and nice home and kids in parochial school, but she didn't have insurance.

Going back to coverage being important, she began to develop breast cancer—something that is described in medicine as fungating, which means the cancer begins to eat through the skin on the chest—and she didn't know where to go because she didn't have coverage. And when the breast cancer was actually coming out of her skin is when she came to see my wife. My wife operated on her for free. The hospital wrote off the cost. But that is not the end of it because then she needed radiation therapy, she needed breast reconstruction, and she needed chemotherapy. And her only hope for survival is if she had this coverage.

So we can acknowledge two things—that coverage is important but also that premiums under the Affordable Care Act have become unaffordable.

I will go back to what President Trump said. President Trump said he wants everyone to be covered, care for those with preexisting conditions, without mandates, and lower premiums. That is something, whether Republican or Democratic or Independent, we should be able to get behind.

How do we have a path forward? Some folks say: Well, President Trump's promise cannot be kept. There was a good article recently by Jim Capretta, a conservative economist, and he says that, basically, we can

achieve these goals. The way we do it is we automatically enroll folks in the insurance program so that if you are a young person, you get a credit, and that would be sufficient enough to pay for your annual premium. You don't have to take it, but if you do, you are automatically enrolled in insurance. By automatically enrolling these young people, we expand the risk pool, which is to say that we now have a lot of healthy young folks, most of whom will not get sick, but the fact that they are in the insurance pool means that those who are older and sicker will have lower premiums because the cost of their care is spread out over the many. That is a good thing. That would increase coverage and it would lower premiums without mandates, taking care of those with preexisting conditions.

I think Candidate Trump's genius was to recognize that the only way you get to lower premiums is if you expand coverage, and the only way to care for those with preexisting conditions is to expand coverage.

I am pleased to say we have a proposal that is called the Patient Freedom Act, which I have cosponsored and introduced with SUSAN COLLINS, and four other of our Republican Senators have cosponsored it. The six of us propose this: that every State be given the right to choose their path forward. If you are a blue State, you can continue with the status quo; you just have to reimpose penalties and mandates. If you are a red State, you can go in a different direction where folks in your State get a tax credit, again, sufficient for the premiums. Not everybody will be eligible—typically, lower income folks—and this credit can only be used for health insurance or healthcare. If you do nothing, you end up with a health savings account, prefunded. You have first-dollar coverage.

If you have to take your daughter to the urgent care center—instead of an ObamaCare \$6,000 deductible, when your daughter has her earache, you have first-dollar coverage to pay that \$150 to get your child seen and to buy the antibiotics. If the mother instead wishes to pool her family's health savings accounts together, their tax credits together, she could buy a richer family policy or she could assign it to her employer as the employee's contribution on employer-sponsored insurance. The patient has the power.

I should say, in my medical practice, I found that if the patient has the power, the system lines up to serve the patient.

By the way, just a rule of thumb: If you ever go to a hospital that delivers babies and you walk in, it is clear who has the power. The walls are painted mauve or powder blue or pink. There is a concierge to park your car because women don't like to walk in parking lots at night. And if you are pregnant, you really don't want to walk at all, so someone parks your car for you. There is a coffee shop as you walk in, and a

floral shop. It is all a therapeutic experience that addresses not just the physical need but the emotional and psychological need, and that is because that system is lining up to serve her, that patient. The Patient Freedom Act incorporates that.

By the way, we also have a third option. If a State doesn't want to have anything to do with this, the State can say: Take a hike; we don't want you. But generally, States have three options, and that recognizes a conservative principle that States should have the right to do what they want to do and what works best for the State. But we do require the patient have the power.

Now, I will be frank. I am not sure we are going to pass meaningful reform as good as it could be with only the Republican side of the Senate. So aside from asking my Senators to join with me and my Republican Senators to promote something that fulfills President Trump's pledge, I ask my Democratic colleagues to look beyond partisanship and to say: Wait a second; wouldn't it be good if a blue State could do a blue thing and a red State could do a different plan for themselves? Wouldn't it be good if President Trump, in his contract with voters, said: Eliminate mandates but also lower premiums, which are so much of a problem for so many Americans now, while at the same time covering and caring for those with preexisting conditions.

I ask my Democratic colleagues to move beyond partisanship—or perhaps they are not liking the results of the election—and into a spirit of cooperation that puts patient before party. We don't need a red plan or a blue plan, a Democratic plan or Republican plan. We need an American plan.

I will finish by saying this. There is another way to lower premiums, and that is to give lousy coverage. I coined the phrase, and I didn't realize it would become so instantaneously recognized, but we should also have the Jimmy Kimmel test. I think people understand that Mr. Kimmel's child was born, and instead of being a celebration as a new life emerges into the world, all of a sudden it quickly became that the child was blue and would die. The whole medical staff comes in, recognizing that the child has a rare cardiac condition that, if not immediately operated on, would be fatal. The child was transferred, and after several surgeries already in its first week of life, apparently, is doing well.

I raise that because, again, we can lower premiums by having lousy coverage. But whatever we do to lower premiums, it should pass what I call the Jimmy Kimmel test, which is that someone you love has adequate coverage for the care he or she needs when they need it. In that way, I think we can be fiscally responsible, and we can help someone like my family or the man I talked to yesterday, paying \$20,000, \$30,000, \$40,000 for their insurance. We have to do something about

that and at the same time fulfill the rest of President Trump's contract with the voters which is to care for those with preexisting conditions, to continue coverage, and to eliminate mandates.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, after some chaotic weeks of hush-hush deliberating, a lot of arm-twisting, and more than a few obvious buy-offs, the House has handed the Senate a healthcare bill that will plunge tens of millions of Americans into suffering. With it, the debate now comes to this side of the Capitol, and my Republican colleagues seem to be competing to find out who can put the most distance between themselves and the House bill.

The message is that they are starting from scratch with a partisan working group and a new bill under construction. But I want to make sure that everybody is realistic about where this debate stands. There is not a shred of actual hard evidence that the Senate Republican conference is objecting to nearly \$1 trillion in tax breaks for the wealthy and the special interests, paid for by slashing middle-class tax benefits and cutting more than \$800 billion out of Medicaid. The dates, the numbers, and the waivers might look a little different when Senate Republicans write a bill, but the underlying framework will be the same.

This process, in short, is leading America back to the days when healthcare worked only for the healthy and wealthy. It is clear, when we look at the particulars, that the bill passed by the other body doesn't care whether you are young or old. It poses a threat of pain across all generations.

So this afternoon, as I begin what will be a series of discussions here on the floor in the days ahead to discuss these issues, I want to talk about what we are dealing with now.

Under the House bill, the youngster who needs special education services could see that set of opportunities disappear with cuts to Medicaid, a key source of funding for special ed school programs.

Are the tax breaks in this bill for the wealthy worth depriving kids of the opportunities they need to get ahead in life?

Under this bill, the young adult at 18 or 20 who has been through a cancer scare could wear that preexisting condition like a scarlet letter. They could face discrimination by insurance companies for life if their coverage ever lapses for more than a few weeks.

Are the tax breaks in this bill worth exposing Americans with preexisting conditions to this danger?

The 45-year-old who thought she was home free with an employer-sponsored plan that avoids the worst insurance company abuses could once again face a lifetime limit on certain health coverage. They would be at risk for personal bankruptcy if they suffer the wrong kind of injury or come down with the wrong kind of illness.

Are the tax breaks in this bill worth putting insurance companies back in the driver's seat? The 60-year-old, still years from retirement, would get clobbered by what I call the age tax, charged up to five times as much as a young person for insurance coverage. Are the tax breaks in this bill worth reviving insurance company abuses like this?

Not even the most vulnerable seniors are spared under this bill. Medicaid helps cover the tab for nearly two out of three seniors in nursing homes. They are people who have done everything right. They worked hard, they scrimped, and they saved. They raised their kids and put them through school. You see them in Ohio communities, and you see them in Oregon communities. But colleagues, growing older in America is not cheap, and these are people who spend down their savings, and that is when Medicaid steps in. But if Medicaid funding is slashed, the nursing home benefit and other critical long-term care services like home-based care are going to be in danger.

Every one of us wants their loved ones to be cared for. But the fact is most families are already walking an economic tightrope in this country, balancing their mortgage and their gas bills and struggling to save for college and retirement. Where would working mothers and fathers today possibly find the money to pay for nursing home care for their elderly parents, perhaps \$90,000 or more? Are the tax breaks in this bill worth putting seniors' nursing home care at risk?

I spent this weekend holding town-hall meetings in Oregon, holding healthcare roundtables at home in Oregon. It would be hard to overstate the fear and the tears I heard in conversations about this legislation.

Oregonians recognize that in many ways, this proposal is a return to an era when insurance companies had more power and the typical American had less, when women were penalized simply because of their gender, when for many a preexisting condition was a death sentence, when insurance companies deciding what preexisting conditions they would cover constituted a real death panel. Even worse, the system would invite young and healthy people not to buy insurance unless they needed it at that particular moment, which would drive up costs for everybody else.

Bottom line: You cannot revive a failed, abusive health insurance system and expect Americans to be very pleased and excited about it, especially when it is part of a scheme to pay for

tax breaks for the wealthy. That is what my Republican colleagues are attempting. I understand why they are doing it. What they want to do is, in effect, get these tax breaks for the wealthy in a health bill so they can have it teed up to get more tax breaks for the wealthy in a tax bill. That is what this is really all about. Even casual watchers of the debate understand that this bill—the tax cuts, in particular, are stacked in favor of the fortunate few.

Every time you get a paycheck in North Dakota or Oregon or anywhere in America, a little bit for Medicare is taken out of that paycheck. Working people can see it; it is right there on their paychecks. A little bit is taken out. Under this bill, the only people who get a break on that contribution are at the very top of the income scale.

Furthermore, the tax break on investment income will be swallowed up by the wealthy almost in its entirety. People with incomes over \$1 million will get an average break of more than \$50,000—almost as much as a typical family earns in an entire year. Most of that tax break goes not to just the millionaires but to those at the uppermost slice of the income scale. They are the fortunate individuals who make money from wealth, not from wages like most Americans.

The 120,000 wealthiest families in the United States—those who bring in around \$2 million a year, mostly from capital gains, interest, and dividends—would get an average tax handout under the House bill of \$207,000. This is according to the Tax Policy Center, a well-respected group who analyzes these matters. I can tell you, even conservative health policy experts are looking at this bill and scratching their heads, trying to determine how this constitutes an improvement over the system that is on the books today.

Aside from the wealthy individuals and corporations lining up for these tax handouts, it is hard to see who will be helped by this approach Republicans have taken.

It is a worrying sign for anybody who believes in bipartisanship to see that Republicans in this body have decided they don't want any Democratic input. I have been involved in writing bipartisan health bills in the past, and there are more than a few cosponsors of those bills in the Republican conference today. A number of our colleagues on the other side of the aisle have joined me in efforts, for example, to have loophole-free, air-tight protection against discrimination against those with a preexisting condition.

It is important to understand that a lot of us on this side of the aisle—and my colleague, the President of the Senate, knows it from our work on infrastructure—would very much like to work with colleagues on the other side on bipartisan issues. It can be done. In fact, just today, under the leadership of Senator SCHUMER, our whole caucus said to the Republicans: Drop reconciliation so we can all come together and

get serious about working in a bipartisan way on an issue that ought to be tackled in a bipartisan way for the American people and that I have a long history, in particular, of wanting to be part of.

For the next several weeks, I will be on the floor drawing on our past experiences and underlining why the partisan approach underway right now is wrong.

People ought to know that TrumpCare is a betrayal of the promises they have heard time and time again. They heard it through hundreds of TV commercials all through the election period, and what they are now seeing is a betrayal of those promises they watched on campaign advertisements over the last year.

People ought to know that this is not a real effort at fixing our healthcare system. This is a masquerade. It is a masquerade to try to pretend that what is going on is about healthcare when it really is about making sure taxes can be cut for the most fortunate, while healthcare benefits for the middle class are slashed. TrumpCare is the opposite of good health policy. There is no grassroots campaign I know of clamoring for the Congress to pass another round of the same old handouts to special interests, donors, and powerful individuals.

The American people are counting on the Congress to improve the health system and make their care more affordable. Congress ought to be working together on injecting more competition into the insurance markets and reducing out-of-pocket costs for families. We ought to be working especially on bringing down prescription drug prices. In my view, you can't really build a modern health system unless you address the challenges posed by chronic conditions such as diabetes, cancer, and Alzheimer's.

We want it understood that Democrats want to work in a bipartisan way to improve the Affordable Care Act. That is the heart of the letter that all Senate Democrats signed today—we all went together—making it clear that we would like to see Republicans drop reconciliation and come together so we can find common ground. That would be in the country's interests, rather than using this go-it-alone process that is called reconciliation but specifically rejects bipartisanship.

I am going to be on the floor a lot over the next several weeks. I promised my constituents night and day over the course of last weekend—and people kept saying night and day, day and night—because the country feels that strongly about this.

I and others are going to hold our colleagues on the other side of the aisle accountable because we all ought to agree that this country cannot go back to the days when healthcare was for the healthy and the wealthy. Those preexisting conditions could be a death sentence. And that is because if you were healthy, you had no problem. If

you were wealthy, you could write out the checks. But if you had a preexisting condition, you were in very serious straits. People told us about losing their homes and everything they had. We are not going back to the days in America when healthcare was for the healthy and wealthy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### DRUG EPIDEMIC

Mr. PORTMAN. Mr. President, I rise today to continue a discussion we have had on the floor over the last year or so on the issue of opioids—that would be addiction to heroin, prescription drugs, and now this new form of synthetic heroin coming into our communities called fentanyl or carfentanil.

Sadly, I must say that things are not getting better. In fact, in the States we represent, in our communities, we see more and more evidence of not just addiction but overdoses and deaths. Fentanyl, in particular, is more deadly than heroin—30 to 50 times more powerful—and is resulting in not just more overdoses but more deaths per overdose. This has become a crisis to the point that it is the No. 1 cause of death in my home State of Ohio and across the country, surpassing car accidents.

This is the 35th time I have come to the floor to talk about this issue and what we ought to do. We have made progress. In the last year alone, we passed legislation, including the Comprehensive Addiction and Recovery Act, to help with prevention, treatment, and recovery, and to help our law enforcement and other first responders, with Narcan, be able to reduce the number of deaths—this miracle drug that reverses the overdoses—to be able to save lives.

We also passed the Cures legislation, which sent money straight back to the States that would help to provide the treatment that is so badly needed. Probably 8 out of 10 people who are addicted are not receiving treatment. Sadly, there is a revolving door where people are coming under the grip of this addiction, committing crimes, going to prison, getting out, getting into the addiction again, and going back into the criminal justice system once again.

This legislation we passed is now starting to be implemented. It takes a little while for things to get moving around here. I am happy to say that the States have now received some of this funding. Some of the programs—about half of those in the Comprehensive Addiction and Recovery Act are now implemented. I urge the administration to implement the other half of the programs, and I have done that every time I have come to the floor over the last few months.

Unfortunately, I also have to come to the floor today to talk about something that is going to make it harder to address this issue should it become reality. As some of you may know, recently it was reported that there was a

document from the White House Office of Management and Budget saying that the White House is considering cutting funding dramatically for the Office of National Drug Control Policy, the ONDCP. This is the office that coordinates the drug issue for the White House, the administration. The proposal that was leaked to the media said that it would be a cut from \$388 million a year to \$24 million a year. That is a cut of 95 percent. What does that mean? It means the staff would be, obviously, reduced dramatically. They have 33 people who would lose their jobs, people who are out there every day on the frontlines, trying to use a relatively small number of people to expand this effort all over the country. It would eliminate a lot of grant programs, office administrators, including what is called the High Intensity Drug Trafficking Areas Program, or HIDTA, and a program called the Drug-Free Communities Support Program.

I want to touch on those two programs quickly and make the point as to how important they are, hoping that the administration is hearing us and hoping my colleagues on both sides of the aisle will help us ensure that this proposal does not become reality, that we don't end up, at a time when we have an unprecedented drug crisis in this country—the worst drug epidemic we have had in our lifetime—pulling back on these important programs.

Why does this matter? Again, having a drug czar, which is what the Director of the Office of National Drug Policy is called, is very important to coordinate the efforts. In fact, it is cost-effective to have a drug czar rather than having different agencies and departments competing and sometimes in duplication with each other, to have one person in the White House in charge, talking about the importance of this.

President Ronald Reagan and First Lady Nancy Reagan established the drug czar. The reason they did it was they wanted to be sure America and the White House were speaking with one voice on this issue. I have known every drug czar since then. I have known every one of them over the last—what would that be?—30 years. I think it is incredibly important to have this job filled with the right person to get out there and deliver this message that it is important that we work together on prevention and education to try to keep people out of drugs altogether, and should people become addicted, how do we maximize the chances of their success by getting them into treatment and recovery?

The program I mentioned a minute ago, the High Intensity Drug Trafficking Areas Program, is one that pretty much every Senator knows about. Why? Because in pockets of every State, there are areas in which there is a particular problem with drugs. This program, the High Intensity Drug Trafficking Areas Program, does something unique. It says: OK, we

are going to put Federal law enforcement together with State law enforcement and local law enforcement to intensely focus on this issue at the local level. As you know, that is necessary because so much of this is interstate, even international, and by having this intense focus, there has been enormous success in my State and States around the country.

Under the program, you have to have one full-time law enforcement officer at the Federal level, State level, and the local level. What I have found back home is that typically you have a sheriff or a police chief who runs this locally and has a lot of his officers involved but really is able to maximize what he or she can do because you have this involvement from the State highway patrol, you have this involvement from the FBI, you have this coordination.

The Ohio HIDTA alone has removed \$90 million worth of illicit drugs from our streets. It has apprehended more than 4,000 fugitives involved in drug trafficking operations. Think about the difference that makes. It makes our communities safer; ultimately, of course, it is going to save a lot of lives.

So I think this is one that is really working. If you ask your law enforcement locally about it, they will tell you that if they don't have a HIDTA grant, they probably wish they did. It is very competitive; not everyone can get one. But if you can show that you can use the money effectively and if you have a really serious drug problem in your area, having that HIDTA program is important.

The second program I mentioned is called the Drug-Free Communities Support Program. What does this do? This supports community anti-drug coalitions all around the country. Often, people ask me: What is the solution to this problem? Why are we in the situation we are in? I turn to prevention and education because, if you think about it, once you get into that funnel of addiction, it is very costly and very difficult.

Wouldn't it be better if we had better programs out there? Frankly, we did back in the 1980s and even the 1990s—to tell young people and to tell others why it is such a mistake to get into this drug issue, why they must do everything they can to avoid, in the case of heroin and prescription drugs and other opioids, taking these painkillers, these prescription drugs that are addictive, to the point that you become addicted, which is so often where the heroin addiction and the overdoses start.

Four out of five heroin addicts in the country started with prescription drugs, they say. Getting that information out there, that awareness, is incredibly important. That is what this Drug-Free Communities Program is about.

I got involved in this program early on through a personal experience. I was a first-year Member of the House of

Representatives 23 years ago. A woman whose son had died of an overdose came to see me. She came to see me because she wanted to talk about her experience and what were we going to do about it.

At the time, Bill Clinton was President. I went to an event where both President Clinton and I were given a gold ID bracelet by a young man. The young man's name was Jeffrey Gardner. I put Jeffrey Gardner's ID bracelet on, and then I prepared for my meeting with this mother, who was obviously very upset.

She was there with her younger son. She came to my office. I was prepared for her. My staff had done all the research, and we knew there was about \$15 billion a year being spent on drug interdiction, interdicting drugs coming from other countries, incarcerations and prosecutions, and the eradication of drugs overseas in places like Colombia, where a lot of cocaine was being grown at that time. So I told her that. I said: Your tax dollars are being used well to fight this battle. This is what is happening with your dollars.

She looked at me and said: How does that help me? She said: I went to my church. I went to my school to get them to help, to mobilize people, to provide more prevention and education resources, to get the word out. They were in denial. They said: This does not happen here.

She said: I went to my neighbors and tried to get a community meeting together, and people did not show up.

She said: How does interdicting drugs help me? How does the work on eradication overseas help me?

I did more research and looked into it further and talked to people around the country who were experts on this and found out where there was this community-of-support network, bringing in all sectors of the community. It really made a difference to reduce drug abuse.

So we started this program. This program, the Drug-Free Communities Act, has to be made up of all sectors of the community. We are talking about the religious community, faith leaders—very important—but also teachers, police officers, parents, doctors, other community leaders who come together with this intense focus on education and prevention.

The program we put together has real accountability. You know, I am a Republican. I believe in accountability. I want to be sure tax dollars are being used wisely. To receive funding under this program, coalitions are required to be in existence for 6 months before they can even apply—get on their feet, be sure they are working. It is the only Federal drug abuse prevention program that requires that, by the way.

The coalition is required to go through a year-long training academy to ensure they have the skills necessary to effectively reduce drug rates, and they have to have data to show that their efforts are actually working.

There have to be performance measures in place. In these coalitions, there are surveys done in schools to see what the results are.

These coalitions are made up of people who are on the front lines. They know their communities better than anybody else does. That is why they are more effective than anybody else. They know how to reach people in that setting, know how to respond quickly when problems begin.

In communities with these coalitions, use of alcohol, tobacco, prescription drugs, marijuana, and cocaine by our young people have declined: alcohol, 32-percent decline; tobacco, 38-percent decline; other drugs, including prescription drugs, 21-percent decline. So these things work.

I must say, I have seen it firsthand because, before drafting the legislation, I started my own coalition called the Coalition for a Drug-Free Greater Cincinnati. Twenty-three years ago, we started this coalition, and we did it with, again, all members of the community.

In my case, I reached out to the first lady, Hope Taft of our State; also to a religious leader in our community, Damon Lynch, Jr., one of the most respected community leaders and at that time head of the Baptist Ministers Conference; and the former CEO of Procter & Gamble, John Petter, so we brought in the business community as well.

We established this coalition not thinking that we were going to end up applying for Federal grant money because there was no Federal grant program then, but that we would focus on how to ensure we could actually make a difference. We set up a survey that went to two-thirds of the schools in our community and asked questions about drug use, so we would know if our efforts were working or not working, as the case might be, and how to target our efforts toward parents and teachers. We spent a lot of time in the faith community, but also with coaches and athletic directors.

This program is still going. It is called Prevention First. I chaired it for 9 years. I was on the board of the coalition again before I ran for the Senate. I know it works because I have seen it. We have gotten good results. The coalition tells me that since 2000, alcohol use among young people they worked with in Cincinnati has gone down 46 percent; tobacco use, 61 percent; marijuana use, 22 percent.

Since 2012, which is when we started focusing on the prescription drug issue, there has been a decline by 29 percent in the use of prescription drugs by our young people. So, I think, this program, which by the way, cost about 90 million bucks last year—as someone who was a distinguished military officer told me recently: That is about what we charge to keep the lights on in part of the Pentagon every day, not that I am not for more and smarter defense spending; I am, but \$90 million is



what we are talking about for this program during the time of the worst drug crisis in the history of our country.

I just think this impact, which I have seen, really works. It means less crime, less strain on our healthcare system, more productivity in school, more productivity at work, more people who can pass a drug test and go to work. That benefits all of us, and it saves taxpayer dollars.

The success we had in this coalition, again, led me to the legislation. A Democratic Representative from Michigan, SANDY LEVIN, and I introduced the legislation, bipartisan in the House.

Here in the Senate, the leaders who were the leaders of this legislation are still here and continue to support it; that is, Senator CHUCK GRASSLEY and Senator PATRICK LEAHY—again a bipartisan group. The bill, the Drug-Free Communities Act, is, again, based on these lead documents from the administration, one of the programs they have proposed defunding altogether.

I am hopeful that this legislation, the Drug-Free Communities Act, which has really worked—it has provided funding that has spawned over 2,000 community coalitions around the country. Today, it currently mobilizes 9,000 community volunteers all around the country. I am hopeful that we will not be defunding this program but, instead, focusing more on the issues of prevention and education. That is going to be the long-term solution to this drug problem. Yes, we have to get treatment to those who need it, but if we are not working on prevention and awareness and education, the issues of drug addiction and drug abuse are going to continue to get worse, in my view.

I am a former Budget Director. I understand it is a tough job to look at all the different competing priorities when you are trying to save taxpayer dollars. I get that. But I also get that we don't want to take a program like this that is actually working, that has all of these accountability measures in place to be sure that taxpayer dollars are being spent right, and then get rid of it at a time that we have this growing crisis in our country.

When I first got involved in this issue 22 years ago, I became convinced pretty quickly that one reason the drug issue had raised its ugly head in the 1990s is that we took our eye off the ball. I think in the 1980s, under the leadership of President Reagan and First Lady Nancy Reagan and Bill Bennett, who did an awesome job as drug czar, we made real progress, particularly on the issue of cocaine.

I think there was sort of a sense that we had solved that problem, and it was time to focus on other things. So we took our eye off the ball. That is why you saw, in the 1990s when the Drug-Free Communities Act legislation was necessary, there was a big increase in drug use, particularly among our young people. So I was always worried that we might do that again, that when

there was a reduction in drug use, we might say: Well, that problem is behind us; let's move onto the next one.

The problem was never behind us, sadly. It is like the tide. It just keeps coming in, so you have to keep your focus on it. But I will tell you, I never expected that at a time when we would have a substantial increase in drug use, in crime, in overdoses, in deaths—which is what we have experienced in this country over the past few years—that we would cut these programs. I just did not imagine it. So I am concerned about it. We can't take our eye off the ball, particularly at a time like this. We have to be sure that we are supporting these programs that work.

Let me show you a chart that tells you where we are today. This is the number of drug overdose deaths in our great country from 1999 to 2015, the most recent year for which we have data. Look at this line here. This is opioid painkillers, this is fentanyl, and this is heroin. You see this incredible increase. Sadly, I will tell you that in 2016 and 2017, it keeps going up.

This year, we have had more opioid overdose deaths over the first few months than we had in the same period last year. In fact, here is one example. In Cleveland, OH, in the last 10 months, we have had more overdose deaths from fentanyl than we had in the previous 10 years. So it is sad that it is not getting better; it is getting worse.

Drug overdoses are now the leading cause of accidental death in the United States, surpassing car accidents. This is, again, a troubling chart, but we need to look at it. We hear a lot about homicides, and gun homicides, in particular. We hear about car crashes. Here is an example of HIV/AIDS in 1995, a time that was the height of the HIV/AIDS crisis, when all of us reacted appropriately.

Here we are in drug overdoses in 2015—far worse than any of these. So between prescription painkillers, heroin, and synthetic forms of heroin, drug overdose is now the leading cause of accidental death in the United States of America.

According to CDC, the Centers for Disease Control and Prevention, more Americans died from drug overdoses in 2015, again, than died in the AIDS epidemic in 1995. A recent story in the New York Times said there are more than four times as many people dying every day from this epidemic than were dying at the peak of the crack epidemic.

Another way to look at it, sadly, is that more people died in the last 3 years than died in the Vietnam War. Those are tough things to compare, but the point is, this is not a time for us to be gutting these programs. Fortunately, we have these programs in place to help. Let's use them to try to encourage more prevention and more education.

Here is a chart that just shows where heroin and fentanyl are. Again, from 1999 to 2015, this is heroin, this is

fentanyl. Look at the rise of this over the last few years. That is what we are dealing with. That is the reality. That is what is happening in the communities and in our streets.

You might ask yourself, why do we want to cut this back at this point? My understanding is that some have argued we don't need the program. They said this program is duplicative because we have other programs now, including great legislation passed last year that I mentioned earlier called the 21st Century Cures Act. In fact, the author of that legislation just joined us on the floor, Senator ALEXANDER of Tennessee.

They have said the Drug-Free Communities Act may be a duplication of that CURES Program. That is an entirely different program—again, \$90 million a year. CURES is \$500 million a year needed right now.

I was a strong supporter of the CURES Act, and I again thank my colleague for working with some of us who have been focused on this issue, as he has, to get that legislation passed on a bipartisan basis.

The 21st Century CURES Act provides \$500 million, but it provides that funding over this year and next, over 2 years. It is a temporary increase in funding to deal with the real crisis. This will help fill the gaps, but it does not ensure that \$1 of that money goes toward this evidence-based prevention we talked about today.

Second, these programs have distinct goals. The CURES grants can be used however a State wants, and that is appropriate. In Ohio, I know Governor Kasich and the State legislature are focused on using it in a smart way, focused mostly on treatment which is badly needed. As I noted, 8 out of 10 people who are addicted and need treatment are not getting the treatment they need. We need more treatment facilities in some communities where the treatment is not available.

The Drug-Free Communities Act is specifically focused on this prevention through education at the community level. Funding goes directly to these coalitions I talked about and their focus is on prevention. It is not duplication. One is a prevention program focused on the community level, and one is an open-ended grant to the States. There is no other Federal program that funds evidenced-based prevention at the community level and has these measures except this one.

The accountability measures we talked about are important, and that distinguishes it from CURES or anything else. We require that communities provide matching funds, a one-to-one match. So if a dollar of Federal tax dollars goes out, it has to be matched by a dollar of non-Federal tax dollars just to get the funding.

We put a cap on administrative expenses of 8 percent to ensure that we maximize the amount of funding going into these programs. If you want funding in your coalition, you have to keep

your funding below 8 percent. That ensures that a maximum amount of funding goes into these programs. We specifically included strict accountability measures to ensure the highest level of support in solving the substance abuse crisis every community faces. These programs are effective. They use taxpayer dollars well, and cutting them doesn't make sense.

One of the reasons I believe President Trump was elected was that he had the courage and foresight to talk about this issue on the campaign trail. He talked about addiction, whether he was in New Hampshire, Ohio, or other States where we have a high level of heroin, prescription drug, and fentanyl abuse and addiction. He spoke with a passion about this and the toll it has on our citizens and devastation to our communities. I think that was one reason he was elected. He focused on how we would stop this epidemic. This proposal apparently put forward by Members of his administration runs counter to what he talked about during the campaign.

Earlier today, my original House cosponsor of the Drug-Free Community Act, Congressman SANDY LEVIN, and I sent a letter to the Office of Management and Budget Director, Mick Mulvaney, encouraging him not to pursue this course of action.

More importantly, more than 219 nonpartisan public health groups—experts like the American Academy of Pediatrics, the American Public Health Association, the Northern Ohio Recovery Association, the Community Anti-Drug Coalition of America, and other groups sent a letter to the White House expressing their support for the work of the Office of National Drug Control Policy.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

MAY 8, 2017.

Re Revise OMB's proposed budget slashing drug control funding

Mr. REED CORDISH,  
Senior Adviser to the President,  
The White House.

DEAR MR. CORDISH: We are thankful to the Trump Administration for prioritizing the reduction of drug use, drug trafficking, and its consequences. We represent former and current federal, state, and local officials, hundreds of community-based organizations, and tens of thousands of people working in drug prevention, drug treatment, drug treatment courts, mental health, recovery, medicine, law enforcement, and millions of individuals in recovery from alcohol and drug use disorders. Like the Administration, we believe drugs are a serious issue.

In light of the Administration's prioritization, we write in strong support of the Office of National Drug Control Policy (ONDCP) and the critically important Drug Free Communities (DFC) program, which provides funding directly to communities to prevent drug use. DFC-funded coalitions are proven to effectively reduce alcohol, tobacco, marijuana and prescription drug misuse among middle and high school-aged chil-

dren. The High Intensity Drug Trafficking Area (HIDTA) program, which coordinates federal, state, and local law enforcement, streamlines efforts to dismantle drug trafficking organizations and brings drug traffickers to justice.

As we have written before, ONDCP brings essential expertise to the table on complex drug issues, expertise that would otherwise be missing or dispersed across multiple agencies. ONDCP holds all federal, state, and local agencies accountable for achieving specific goals to reduce drug trafficking, use, and other consequences.

At a time when drugs now kill more people than firearms or car crashes, it is more important than ever for ONDCP to remain a strong voice in the White House and a visible presence nationally. As plans are finalized for the Administration's proposed FY 2018 budget, we once again ask the Administration to maintain a strong commitment to ONDCP by proposing the highest level of funding possible for the agency and its programs given the importance of ONDCP's mission and the current opioid crisis.

Sincerely,

A New PATH, Addiction Haven, Addiction Medicine Foundation, Addiction Policy Forum, Advocates for Recovery Colorado, Alabama Citizens Action Program, Alano Club of Portland, American Academy of Addiction Psychiatry, American Academy of Pediatrics, American Association for the Treatment of Opioid Dependence, American Association of Child & Adolescent Psychiatry, American Association of Colleges of Pharmacy, American Congress of Obstetricians and Gynecologists, American Correctional Association, American Osteopathic Academy of Addiction Medicine, American Osteopathic Association, American Psychiatric Association, American Psychological Association, American Public Health Association, American Society of Addiction Medicine.

AmerisourceBergen Corporation, Association for Behavioral Health and Wellness, Association of Persons Affected by Addiction (APAA), Association of Prosecuting Attorneys, Association of Recovery Community Organizations, Association of Recovery Schools, Association of Schools and Programs of Public Health, Association of State and Territorial Health Officials, Bangor Area Recovery Network, Inc., Big Cities Health Coalition, California Academy of Family Physicians, California Consortium of Addiction Programs and Professionals, Capital Area Project Vox, Caron Treatment Centers, Catholic Charities Maine, Center for Recovery and Wellness Resources, Center for Substance Abuse Research, University of Maryland, Chicago Recovering Communities Coalition (CRCC), Collaborative for Effective Prescription Opioid Policies, College on Problems of Drug Dependence.

Communities for Recovery, Community Alliances for Drug-Free Youth, Community Anti-Drug Coalitions of America, Community Oriented Correctional Health Services, Connecticut Certification Board, Connecticut Community for Addiction Recovery (CCAR), Council on Prevention and Education: Substances, DarJune Recovery Support Services & Café, DC Recovery Community Alliance, Delaware Certification Board, Detroit Recovery Project, Inc., Dorchester Recovery Initiative, Drug Free America Foundation, Drug Free Schools Coalition, DUID Victim Voices, Easy Does It, Inc., El Paso Alliance, Engaged Recovery Community Services, Entertainment Industries Council, Inc., Faces & Voices of Recovery.

Facing Addiction, FAVOR Greenville, FAVOR Mississippi Recovery Advocacy Project, FAVOR Pee Dee, FAVOR Tri-County, FED UP Coalition to End the Opioid Epi-

demic, Fellowship Foundation Recovery Community Organization, Florida Coalition Alliance, Floridians for Recovery, Foundation for Recovery, Friends of Recovery—New York, Friends Research Institute, Inc., Gem County Recovery Community Center, Georgia Council on Substance Abuse, Gerontological Society of America, Greater Macomb Project Vox, Hazelden Betty Ford Institute for Recovery Advocacy, HOPE for New Hampshire Recovery, Illinois Alcohol and Other Drug Abuse Professional Certification Association, Institute for Behavior and Health.

International Certification & Reciprocity Consortium, International Nurses Society on Addictions, Jackson Area Recovery Community, Johns Hopkins Bloomberg School of Public Health, Juneau Recovery Community, Kentucky Office of Drug Control Policy, Latah Recovery Center, Legal Action Center, Life of Purpose Treatment, Lifehouse Recovery Connection, Long Island Recovery Association (LIRA), Lost Dreams Awaken Center, Inc., Lotus Peer Recovery/Sober Kerrville, Louisiana Association of Substance Abuse Counselors & Trainers, Inc., Maine Alliance for Addiction Recovery, Maine Immigrant and Refugee Services, Major Cities Chiefs Association, Major County Sheriffs of America, Maryland Recovery Organization Connecting Communities (M-ROCC), Massachusetts Organization for Addiction Recovery (MOAR).

Message Carriers of Pennsylvania, Inc., MIHOPE—Michigan Heroin & Opiate Prevention and Education, Michigan Recovery Voices, Milestone Foundation, Minnesota Recovery Connection, Missouri Recovery Network, Mothers Against Drunk Driving, Mothers Against Prescription Drug Abuse, National Alliance of State Drug Enforcement Agencies, National Alliance for Medication Assisted Recovery, National Association for Children of Alcoholics, National Association for Rural Mental Health, National Association of City and County Health Officials, National Association of Clinical Nurse Specialists, National Association of Counties, National Association of County Behavioral Health and Developmental Disability Directors, National Association of Drug Court Professionals, National Association of Police Organizations, National Association of Social Workers.

National Association of State Alcohol and Drug Abuse Directors, National Athletic Trainers' Association (NATA), National Center on Addiction and Substance Abuse, National Council for Behavioral Health, National Council on Alcoholism and Drug Dependence, Inc. (NCADD), National Criminal Justice Association, National District Attorneys Association, National Families in Action, National Fusion Center Association, National HIDTA Directors Association, National Hospice and Palliative Care Organization, National Minority AIDS Council, National Narcotics Officers Association Coalition, National Safety Council, National Sheriffs' Association, Navigate Recovery, New Evangelical Partnership for the Common Good, New York Association of Alcoholism and Substance Abuse Providers, Inc., Northern Ohio Recovery Association (NORA), NAADAC, the Association for Addiction Professionals.

Nurse Practitioner Healthcare Foundation, Oklahoma Citizen Advocates for Recovery & Treatment Association (OCARTA), Oklahoma Drug and Alcohol Professional Counselor Association, P.E.E.R. Wellness Center, Inc., Partnership for Drug-Free Kids, PEER360 Recovery Alliance, Pennsylvania Certification Board, Pennsylvania Recovery Organization—Achieving Community Together—(PRO-ACT), Pennsylvania Recovery

Organizations Alliance (PRO-A), People Advocating Recovery—PAR, Phoenix House, Phoenix Multisport Boston, Physicians for Responsible Opioid Prescribing, PLR Athens, Proove Biosciences, RASE Project, Recover Project/Western MA Training, Recover Wyoming, Recovery—Friendly Taos County, Recovery Allies of West Michigan.

Recovery Cafe, Recovery Communities of North Carolina, Recovery Community of Durham, Recovery Consultants of Atlanta, Recovery Data Solutions, Recovery Idaho, Inc., Recovery is Happening, RecoveryATX, RecoveryNC (Governors Institute on Substance Abuse), Regroup, Rhode Island Certification Board, Rhode Island Communities for Addiction Recovery Efforts (RICAREs), ROCover Fitness, Rosenthal Center for Addiction Studies, Safe Kids Worldwide, SAM Action, Save Our Society from Drugs, Shatterproof, Smart Approaches to Marijuana, SMART Recovery.

Solano Recovery Project, Spiritworks Foundation, Spread Hope Like Fire, Springs Recovery Connection, STEP Industries, Strengthening the Mid-Atlantic Region for Tomorrow (SMART), Substance Abuse Librarians and Information Specialists, T.O.R.C.H., Inc., Tennessee Overdose Prevention, Texas Association of Addiction Professionals, The Addict's Mom, The Alliance for Addiction and Mental Health Services, Maine, The Bridge Foundation, The DOOR—DeKalb Open Opportunity for Recovery, The Friends of NIDA, The MARS Project, The McShin Foundation, The Moyer Foundation, The National Center on Addiction and Substance Abuse, The Police Foundation.

Tia Hart Recovery Community Program, TASC of Illinois (Treatment Alternatives for Safer Communities), Treatment Communities of America, Trilogy Recovery Community, Trust for America's Health, Utah Support Advocates for Recovery Awareness (USARA), Verde Technologies, Vermont Recovery Network, Virginia Association of Recovery Residences, Virginia Certification Board, Voices of Hope for Cecil County, Voices of Recovery San Mateo County, WAIAM, Inc. and RISE Recovery Community, Washtenaw Recovery Advocacy Project (WRAP), WestCare, Inc., WholeLife Recovery Community/Arizona Recovery Coalition, Wisconsin Recovery Community Organization (WIRCO), Wisconsin Voices for Recovery, Young People in Recovery, Zoe's Story Fund.

Mr. PORTMAN. Mr. President, these groups know that the proposed cuts would undermine our anti-drug efforts at a time when we need them more than ever. So I ask my colleagues to join me in urging the OMB Director and the folks in the White House who are making these decisions not to take this course of action but rather to support our proven community anti-drug coalition, to support ONDCP in doing the important work at a time of a growing epidemic. We have never needed these programs more than we do right now.

Thank you, Mr. President.

I yield back my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Ohio not just on his speech and his remarks but on his leadership on the opioid epidemic in our country and its progression into other areas. He speaks passionately about it publicly and privately to his colleagues, just as he did

today at our lunch as we discussed healthcare. He was a leader last year when we passed the 21st Century Cures Act to try to move these medical miracles that we know are coming through the regulatory and investment process more rapidly and into medicine cabinets and doctors' offices.

Senator PORTMAN and Senator WHITEHOUSE and others, in a bipartisan way, worked to add at least \$1 billion more funding for States to deal with opioids after they had passed the Comprehensive Addiction and Recovery Act earlier that year. So the opioid epidemic and the families who suffer from it have no more effective spokesman and advocate than the Senator from Ohio, and I am glad I had an opportunity to hear his remarks today.

Mr. President, I ask unanimous consent that the time until 4:30 be equally divided in the usual form; further, that all postcloture time on the Gottlieb nomination expire at 4:30 p.m. today; and that, if confirmed, the motion to reconsider be considered made and laid on the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, while the Senator from Ohio is here, one more word on opioids.

Dr. Francis Collins, the head of the National Institutes of Health, has testified before the Senate that in the next decade we could have—we should have a discovery of a nonaddictive pain medicine.

I cannot think of anything that over the long run could deal more with opioid addiction than to find a substitute for opioids that wasn't addictive. So we have discussed that with the President, with the new head of the FDA—after today, Dr. Gottlieb, I hope—with Dr. Price, Senator PORTMAN, and with others, and, hopefully, in a bipartisan way, we can lean forward into accelerating the discovery of a nonaddictive pain medicine, and we can make that contribution in this effort.

Mr. President, the Senate will vote shortly at 4:30 p.m. on the President's nomination of Scott Gottlieb to serve as Commissioner of the Food and Drug Administration. He is the right person to lead the FDA in this vital mission and move the agency forward so America's patients can benefit from the remarkable discoveries—one of which I was just discussing—that our Nation's researchers are working on.

Dr. Gottlieb has impressive qualifications from every perspective. He was a practicing physician and hospitalist for many years, received his medical degree at Mount Sinai School of Medicine and completed his residency there. He held three positions in the Department of Health and Human Services, including two at the FDA as Deputy Commissioner, from 2005 to 2007, and before that, in 2003 to 2004, as a senior adviser

to Commissioner Mark McClellan, and as the FDA's Director of Medical Policy Development.

Dr. Gottlieb has studied health policy as a resident fellow at the American Enterprise Institute. He is a prolific writer and speaker on medical innovations. He has testified in front of Congress 18 times on a variety of issues, including the drug approval process, drug costs, drug shortages, importation, and healthcare reform.

Dr. Gottlieb is also a cancer survivor. He knows firsthand how medical treatments affect patients and their families.

Dr. Gottlieb, like others who were nominated by Presidents, has been through an exhaustive vetting process. The President announced the Gottlieb nomination on March 10. We received the nomination March 27. On April 5, Dr. Gottlieb testified for 2½ hours in our Senate HELP Committee. I offered Senators an opportunity to ask any questions they wished. Following his hearing, he answered 189 follow-up questions. If you count all the subquestions, it was 372 questions.

On April 27, our committee approved his nomination by a vote of 14 to 9, readying that nomination for consideration by the full Senate today.

On March 28, more than a month ago, the independent Office of Government Ethics concluded that Dr. Gottlieb "is in compliance with applicable laws and regulations governing conflicts of interest."

Let me read from the Office of Government Ethics' website about what that agency does. It says: "OGE provides an independent review of the financial disclosure reports of candidates for Senate-confirmed nominees. OGE makes sure that these individuals have complied with the extensive requirements for financial disclosure under the Ethics in Government Act. OGE ensures compliance with financial disclosure requirements and assists in the resolution of potential conflicts of interest. It carefully evaluates nominees' financial disclosure reports and works with agency ethics officials to prepare individualized ethics agreements."

The website continues: "After confirming with the agency that there are no unresolved conflicts of interest, OGE then transmits the financial disclosure report, the ethics agreement, and a cover letter directly to the Senate."

That all arrived at our committee on March 28. So that should answer any questions about whether Dr. Gottlieb has a conflict of interest because the independent agency Congress set up to resolve that question says he has none—or if he has any, he will resolve them according to an agreement with that office.

I believe Dr. Gottlieb will help to move the FDA forward so patients can benefit from the remarkable medical discoveries that researchers are working on. The FDA affects nearly every

single American and regulates about a quarter of all consumer spending in our country, over \$4 trillion annually.

It is responsible for areas as diverse as prescription drugs for humans and animals, medical devices, biologics, dietary supplements, cosmetics, over-the-counter medications, food, and tobacco products. In addition to drugs and medical devices, the FDA is responsible for protecting our Nation's food supply and working to reduce the number of people who get sick from foodborne illnesses.

Some of my Democratic colleagues have expressed concern about Dr. Gottlieb's prior work with companies that are regulated by the Food and Drug Administration, but the fact is, it is not so unusual to have an FDA Commissioner who has consulted with the food and drug industry. Dr. Califf, the distinguished former FDA Commissioner under President Obama, consulted for many companies prior to his confirmation from the Senate. That didn't disqualify Dr. Califf. I supported him. So did 89 other Senators. He was confirmed 89 to 4.

I think we should recognize the obvious fact that it is a good idea to have people serving in government with some experience in the types of industries they are in charge of. The other day we confirmed a Secretary of Agriculture. I think it helps that he is a farmer and a veterinarian. We confirmed the Secretary of Commerce. I think it helps that he has some background in business. Some of the same people who are criticizing Dr. Gottlieb for having a background in working with companies that manufacture drugs criticized President Trump's Secretary of Education because she had never been on the payroll of the people she was about to be in charge of. So you can't have it both ways.

I believe Dr. Gottlieb's background in understanding how drugs are manufactured, how they can be manufactured safely, how they can be moved through the regulatory and investment process more rapidly is vitally important to the opportunity we have in America—more than we have ever had before—of finding these new medical miracles and putting them in our medicine cabinets and our doctors' offices.

Dr. Gottlieb has broad support from an array of patient, industry, and research organizations. The supporters include three former FDA Commissioners and President Obama's Administrator of the Centers for Medicare & Medicaid Services.

On Friday, I received a letter of support for Dr. Gottlieb from 10 State attorneys general who particularly praised the nominee as "a leader in the fight against opioid abuse," the subject Senator PORTMAN spoke on a moment ago.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of 93 groups that support Dr. Gottlieb's nomination at the conclusion of my remarks.

Mr. President, here are a few examples of what some of these groups had to say.

Dr. Jeff Allen, the President and CEO of Friends of Cancer Research, said: "Through his knowledge and experience, we have no doubt that Dr. Gottlieb will be the right person to ensure FDA keeps pace with science and innovation without sacrificing the safety and efficacy gold standard established by FDA."

The Healthcare Leadership Council said: "Dr. Gottlieb's qualifications to lead the FDA are extensive and indisputable. . . . Dr. Gottlieb has consistently demonstrated his vision for accelerated medical innovation in this country and greater patient access to the drugs and devices that improve lives."

Dr. Mark McClellan, FDA Commissioner from 2002 to 2004, said: "He's a very good nomination," adding "he is very dedicated to finding better ways to protect and improve the health of the public, all of which are great prerequisites for FDA Commissioner."

Andy Slavitt, who just stepped down as the Administrator of the Centers for Medicare & Medicaid Services under President Obama, said that Dr. Gottlieb is "a very good choice."

The FDA has always been important, but there never has been a more important time for this agency. It is responsible for making sure patients benefit from the promising research driven by significant funding Congress has given to medical research in last year's 21st Century Cures Act, which the majority leader called "the most important legislation of the year."

I don't want it to go unnoticed that last year Congress increased funding for the National Institutes of Health by \$2 billion. Last week, Congress increased funding for the National Institutes of Health by another \$2 billion. The 21st Century Cures Act, which Congress also passed last year, authorized a \$4.8 billion increase in funding for the National Institutes of Health for President Obama's Precision Medicine Initiative and for the Cancer Moonshot the Vice President worked on. Speaker RYAN and Majority Leader MCCONNELL, President Obama, Vice President Biden, all of us want to see these medical miracles move forward, and having competent leadership in the FDA is absolutely essential to that effort.

I am very excited about the prospect of having Dr. Gottlieb and Dr. Francis Collins, who is the head of the National Institutes of Health, at the head of these two lifesaving agencies, which are important to every single American family.

The reason 21st Century Cures is such an important bill is that it will drive forward this extraordinary research, and Dr. Collins talked about some of the discoveries that will be possible in the next decade. I mentioned the possibility of nonaddictive pain medicine. Dr. Collins said that we will also have hearts that will be rebuilt from our

own stem cells. We will have a universal flu vaccine. Did you know that the flu kills between 12,000 and 56,000 Americans a year? There will be a universal flu vaccine. There will be an HIV/AIDS vaccine and an artificial pancreas for patients with diabetes who have spent decades injecting themselves with insulin. These are the discoveries that are just over the horizon, not to mention medicine that will identify Alzheimer's before there are symptoms and then slow the progression of the disease. Think of the grief it would save families and the billions it would save the country. We have invested in that.

We have competent leadership to be approved by the Senate today, in working with Dr. Collins and Dr. Price, who can make sure those dreams become a reality perhaps even more rapidly.

The FDA plays a key role in this. At the committee hearing, I asked Dr. Gottlieb about the subject Senator PORTMAN and I just talked about. I asked him how the FDA can be forward-leaning in accelerating the finding of new nonaddictive pain medicines—the ultimate cure for the opioid epidemic. It is a heartbreaking issue that almost every Senator knows about. Dr. Gottlieb said that the opioid epidemic is "having staggering human consequences."

He also said:

I think it's the biggest crisis facing the agency. It's going to require dramatic action by whoever steps into the agency. I think it's going to require an all-of-the-above approach that does include reevaluating the framework for how we can develop alternatives to opioid drugs. I think it also includes looking at device alternatives to opioid drugs and looking at devices in the context of drugs.

Dr. Gottlieb's first order of business will be to work with us on the reauthorization of the FDA user fee agreements, which experts at the FDA told members of our HELP Committee at one of the two bipartisan hearings on the agreements, are integral to helping patients and continuing the implementation of the 21st Century Cures Act.

Before September 30, four different agreements need to be reauthorized. They fund \$8 billion to \$9 billion over the next 5 years, which is about a quarter of the Food and Drug Administration's budget. If we do not move quickly to pass these agreements in late July, the FDA will be forced, by law, to send layoff notices to more than 5,000 FDA employees and notify them that they may lose their jobs in 60 days.

A delay in reauthorizing these agreements would delay the reviews of drugs and devices that were submitted after April 1—1 month ago. For example, if we do not pass these user fee reauthorizations on time, an FDA reviewer who gets started in reviewing, say, a cancer drug that was submitted to the agency in April would be laid off on October 1, which would be before the reviewer is able to finish his or her work.

In addition to harming patients and families who rely on medical innovation, a delay in reauthorization would

threaten America's global leadership in biomedical innovation.

After reviewing the recommendations from industry and the FDA, I believe these are good agreements for patients. The sooner we pass the legislation, the better so as to give patients, doctors, FDA reviewers, and companies' certainty.

At this moment, Washington, DC, is not a very bipartisan town on many issues, but on this issue—the issue of user fees to support the Food and Drug Administration—it has been.

I compliment Senator PATTY MURRAY and her staff. Senator MURRAY is the ranking Democrat on the HELP Committee. Our staffs have been working together for 15 months in a bipartisan way and working with the House of Representatives to try to make sure we can present to the full Senate our FDA user fee agreements. We have had two bipartisan hearings. Tomorrow, we have a markup at which we hope those agreements will be reported to the Senate floor.

The FDA has a vital and important mission, and I am confident Dr. Gottlieb is the right person to be leading the agency. We are fortunate that he is willing to serve. I look forward to the Senate's approving Dr. Gottlieb's confirmation this afternoon.

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

Dr. Gottlieb's nomination has received support from 93 groups—including a broad array of patient, industry, and research organizations.

Full list of supporters: Advanced Medical Technology Association (Advanced); Aduro Biotech; Alliance for Aging Research; Alliance for Patient Access; Alliance for Regenerative Medicine; Alliance of Specialty Medicine; American Academy of Facial & Plastic Reconstructive Surgery; American Association for Cancer Research; American Association of Neurological Surgeons; American Bakers Association; American Beverage Association; American Enterprise Institute; American Frozen Food Institute; American Society for Radiation Oncology; American Society of Cataract and Refractive Surgery; American Society of Echocardiography; American Society of Plastic Surgeons; Association for Accessible Medicines (AAM); Association of American Cancer Institutes (AACI).

Association of Black Cardiologists; Association of Clinical Research Organizations; Calorie Control Council; Can Manufacturers Institute; CancerCare; Cancer Support Community; CEO Roundtable on Cancer; The Children's Cause for Cancer Advocacy; Cigar Association of America; CNF Pharma LLC; Coalition of Cancer Cooperative Groups; Coalition of State Rheumatology Organizations; Community Oncology Alliance; Congress of Neurological Surgeons; Corn Refiners Association; EveryLife Foundation; FasterCures, a center for the Milken Institute; Fight Colorectal Cancer; Food Marketing Institute.

Friedrich's Ataxia Research Alliance (FARA); Friends of Cancer Research; Global Genes; Global Healthy Living Foundation; Grandparents in Action; Grocery Manufacturers Association (GMA); Healthcare Leadership Council; Healthcare Nutrition Council; Healthy Women; Hematology/Oncology Pharmacy Association; Independent Bakers

Association; Infant Nutrition Council of America; International Bottled Water Association; International Dairy Foods Association; International Food Additives Council; International Premium Cigar and Pipe Retailers; Kids v. Cancer; Kidney Care Association; The Leukemia & Lymphoma Society.

Lung Cancer Alliance; LUNGevity; Lupus and Allied Diseases Association, Inc.; Lymphoma Research Foundation; Manhattan Institute; Men's Health Network; National Association of Chemical Distributors; National Automatic Merchandising Association; National Coalition for Cancer Research (NCCR); National Coalition for Cancer Survivorship; National Confectioners Association; National Consumers League; National Fabry Disease Foundation; National Grocers Association; National Health Council; National Infusion Center Association (NICA); National Kidney Foundation; National Pasta Association; National Patient Advocate Foundation (NPAF).

National Restaurant Association; Natural Products Association; The Nicholas Conor Institute; North American Millers Association; Ovarian Cancer Research Fund Alliance; Personal Care Products Council; Pharmaceutical Manufacturers and Manufacturers Associations of America (PhRMA); Prevent Cancer Foundation; Produce Marketing Association; Research!America; Sarcoma Foundation of America; SNAC International; Society of Hospital Medicine; The Sugar Association; Susan G. Komen; Swifty Foundation; United Fresh Produce Association.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, before I discuss why the nominee before us, Dr. Scott Gottlieb, is the wrong choice to lead the Food and Drug Administration, I want to take a minute to talk about the FDA's impact on the health and safety of patients and families nationwide and how that impacts my perspective on this nomination.

Our constituents rely on the FDA's work every single day. They trust that the food they buy from the grocery store is safe. They trust that when they go to the emergency room, the drugs and medical devices that are used in their care have been held to the highest standards of approval and that the FDA's decisions are based on science, not politics or ideology. In other words, they trust in FDA's gold standard of approval. So it is critical that the FDA continue to have strong, independent leadership, especially in light of President Trump's radical priorities.

Like many, I am deeply concerned by this administration's efforts to roll back the progress we have made to strengthen the FDA and to improve public health. Let me give two recent examples from last week alone. First, the FDA delayed the implementation of a rule on menu labeling requirements, which would have provided families access to critical nutritional information about the food they buy and eat. These requirements have been worked on for years by several Senators and the Obama administration, with the support of public health groups and restaurants. The rule was less than 1 week away from going into

effect. On the very same day, the FDA announced that it would delay the enforcement of a rule to ensure greater oversight over tobacco products, including cigars, pipe tobacco, and e-cigarettes. Now is not the time for the FDA to be taking its foot off the gas when it comes to protecting our children and youth from harmful marketing and flavoring tactics. These are significant steps in the wrong direction.

Families have every reason to be worried about this administration, and they are making it clear that they want leaders who are prepared to stand up for them, which brings us back to Dr. Gottlieb.

At our HELP Committee hearing, after scrutinizing his past record, asking where he stands on key policy issues, and reviewing his answers to many of my questions, it has been made clear to me that Dr. Gottlieb is not that leader. He has not convinced me that he can withstand political pressure from this administration or that he will be truly committed to putting our families' health first. For these reasons, I will be voting no on Dr. Gottlieb's nomination today.

In reviewing Dr. Gottlieb's professional history and background, I have grown increasingly concerned about whether he can lead the FDA in an unbiased way given his unprecedented industry ties. On numerous occasions, Dr. Gottlieb has invested in or advised a company and then used his public platform to promote policies that will benefit that company in the future.

I know that, if confirmed, Dr. Gottlieb has agreed to recuse himself for 1 year from decisions involving some companies in which he has invested or held positions, but Dr. Gottlieb will still be allowed to weigh in on matters that involve other companies in which he had been previously invested. His complicated relationships with a venture capital firm and an investment bank specifically raise many questions, and he will not be recused from matters that involve a number of their clients. Companies Dr. Gottlieb has invested in have more than 60 drugs in development that could come before the FDA for approval, and the companies Dr. Gottlieb will be recused from have over 120 drugs in development.

The extent of these entanglements is unprecedented, and they are particularly troubling given this administration's clear willingness to skirt ethics rules and pressure Federal employees in order to jam their agenda through. Yet, as troubling as these entanglements are, they are not my only problems with this nomination. I am equally concerned about where Dr. Gottlieb stands on key policy issues.

For one, I do remain unconvinced that Dr. Gottlieb will ensure independent, science-based decisionmaking at the FDA if he is confirmed. While Dr. Gottlieb was at the FDA under the Bush administration, I was working very hard to ensure that, consistent

with expert recommendations, emergency contraception known as Plan B would be sold over the counter to all age groups. Yet the Bush administration ignored the science and made a decision, based on purely ideological grounds, on a so-called behind-the-counter option for Plan B, which allowed politics to interfere directly with women's access to the healthcare services that they need, and that was a position which Dr. Gottlieb defended.

I have had the opportunity to discuss this matter with Dr. Gottlieb on several occasions now, but regrettably my concerns remain unchanged. When I asked Dr. Gottlieb about this at our hearing—whether he would allow this administration to use the FDA to further its political agenda against women's health—Dr. Gottlieb said he would “not relitigate settled approval decisions” on this matter. When I made clear that I was asking about the future and how he would respond to future pressure from this administration to undermine women's health, Dr. Gottlieb did not give a clear answer. Given the Trump administration's commitment to undermining women's reproductive rights, which we have seen so clearly in these past 100 days, I find this aspect of Dr. Gottlieb's professional history especially troubling.

I have also raised concerns regarding Dr. Gottlieb's published positions on a number of important issues that focus on drugs and medical devices.

As I stated at the beginning of my remarks, I find the administration's recent decision to delay oversight on tobacco products to be especially concerning, which makes it all the more important that the next FDA Commissioner have a clear position on this issue. I asked Dr. Gottlieb about this at our hearing, specifically as it relates to flavored e-cigarettes that have flooded the markets in recent years. I have to say that I was disappointed by his response. I think it is clear that a line has been crossed when tobacco companies prey on children by coming out with e-cigarette flavors like gummy bear and cookies and cream. Yet, during his hearing, when I asked Dr. Gottlieb about this, he said he was not quite sure where that line gets drawn. That speaks volumes to me, and it is a pattern I have seen in Dr. Gottlieb's answers, whether I have asked him about off-label communications by drug companies or combating the opioid epidemic and what the FDA can do to help rein in drug costs.

I could go on, but I want to make one related point, which is that we still have many questions about where Dr. Gottlieb stands on pressing policy questions he will have to confront when he is confirmed.

As I said during our HELP Committee markup, we submitted many questions to Dr. Gottlieb following his hearing, and I was encouraged that in his answers to these questions, Dr. Gottlieb committed to upholding the gold standard and working with me on

a number of priorities, like improving the postmarket surveillance of medical devices. Yet, in large part, I have to say we were left disappointed with the lack of specificity in his answers. Many of them were vague, and some questions were flatout ignored.

I just came back from hearing from families in my home State, and I can tell you that people are looking at what President Trump is doing. They are appalled, and they are looking for leaders to step up. Whether it is Dr. Gottlieb's unprecedented financial entanglements, his inability to withstand political pressure from the Bush administration in order to ensure science and not ideology drives decision-making at the FDA, or whether he will truly prioritize patient and consumer safety and the public health over the interests of corporations that stand to gain financially, I continue to doubt whether Dr. Gottlieb will be able to stand up to President Trump.

I believe that families and patients, rightly, expect more. They want independent, science-based leadership at the FDA. I stand with them and will oppose this nomination.

Mr. DURBIN. Mr. President, I wish to express concern with President Trump's nominee to serve as next Commissioner of the Food and Drug Administration, FDA.

The FDA Commissioner is responsible for overseeing our Federal agency tasked with protecting and promoting the public health through the regulation of food, tobacco products, dietary supplements, drugs, medical devices, cosmetics, and veterinary products. I am not convinced that Dr. Scott Gottlieb is the right person for this job, based primarily on his less than impressive record of defending women's access to healthcare, his association with an e-cigarette—or vaping—company that has produced and marketed tobacco products to youth, his stated desire to expand “off-label” communications between drug companies and health providers, and his long-standing and vocal opposition to the Affordable Care Act, ACA. If confirmed, I hope he proves me wrong.

Of particular concern to me is protecting our Nation's food safety. I was pleased that, in 2001, then-President Obama signed into law the FDA Food Safety Modernization Act, marking the most comprehensive reform of our Nation's food safety system in decades. Every year, 48 million Americans suffer from preventable foodborne illness. More than 120,000 people are hospitalized each year because of food contamination and 3,000 die. Every 4 minutes, someone is rushed to the hospital because the food they ate made them sick, and at the end of the day, eight will die—which is why I have spent much of my career working on various bills to strengthen food safety structures at FDA and the U.S. Department of Agriculture, to create a single food safety agency, and to support increased inspection and protection of foreign

food imports. Even with passage of the FDA Food Safety Modernization Act, more work remains to be done. We must further beef up both foreign and domestic facility inspections. We must ensure the FDA has sufficient staff and resources to carry out their responsibilities. We must do a better job of effectively tracking and tracing high-risk foods in the event of a foodborne illness outbreak.

In addition, the FDA can and must do more to better regulate dietary supplements. I was pleased that, in 2015, the FDA announced creation of the Office of Dietary Supplement Programs to increase focus on and regulation of the ever-growing dietary supplement industry. It is my hope that this FDA office continues to receive the funding they so desperately need to carry out their mission of regulating a \$35 billion dietary supplement industry and aggressively pursue wrongdoing.

Finally, e-cigarette products continue to be a growing threat to our Nation's youth. Last year, then-Surgeon General Vivek Murthy released a report, calling the skyrocketing use of e-cigarettes among youth “a major public health concern.” E-cigarettes are now the most commonly used form of tobacco among young people in the United States. Over the past 5 years, the number of middle school and high school students who have used e-cigarettes has tripled. Among young adults aged 18 to 24, the number has doubled. While some research indicates that e-cigarettes contain fewer toxic substances than cigarettes, vape from e-cigarettes is not harmless, and these products are a gateway to smoking. The popularity of e-cigarettes stems in part from aggressive marketing and products aimed at youth, including the marketing of bubble gum, tutti frutti, and marshmallow flavorings. The FDA must aggressively oversee these products and ensure that they are not being marketed to children or young adults. Any attempt to exempt these products from FDA regulation will be met with extreme resistance from me.

Mr. LEAHY. Mr. President, as the Senate continues to consider nominees to lead our Nation's top agencies, we are once again faced with the difficult decision to confirm an individual whose interests run counter to the mission of the agency he or she will be tasked to lead. Dr. Scott Gottlieb, the nominee for Commissioner of the U.S. Food and Drug Administration, FDA, is another such nominee.

Dr. Scott Gottlieb is a physician and current medical consultant for pharmaceutical, medical device, and other healthcare companies. From 2003 to 2007, Dr. Gottlieb was a senior adviser to the FDA Commissioner for Medical Technology. He was also the Deputy Commissioner for Medical and Scientific Affairs under two different FDA Commissioners. In 2013, Dr. Gottlieb served on the Federal Health IT Policy Committee for the Department of Health and Human Services. He also



worked as an adviser to Mitt Romney during his 2012 Presidential campaign.

While I appreciate that Dr. Gottlieb has qualifying experience, I remain concerned about his policies and conflicts of interest. For instance, while serving as the FDA's Deputy Commissioner, Dr. Gottlieb defended the Bush administration's position to deny the availability of certain contraceptive care drugs over-the-counter, despite the science that pointed to lifesaving benefits from such drugs. Additionally, while serving with Kure, a company that operates vaping and ecigarette products, Dr. Gottlieb was noncommittal in supporting regulations over commerce in such products, which directly targets young kids through marketing, when there is a lack of appropriate medical science to suggest vaping and ecigarettes are less harmful than tobacco products. He has also historically sought ways to ensure that the Family Smoking Prevention and Tobacco Control Act of 2009 can better support the industry instead of better protecting patients and their families. This is especially problematic, given that the law provided the FDA with the authority to regulate tobacco in order to further curb smoking.

I am also concerned with Dr. Gottlieb's public disagreement with proposals that would allow patients to access affordable medications through drug importation. I have always supported policies that would allow patients to access safe and affordable medications from Canada because this is a cost-effective method to provide patients with the resources they need to manage their health needs. Of course, Dr. Gottlieb has long been an outspoken critic of the Affordable Care Act, ACA, making troubling assertions along the way. He has been quoted as opposing the ACA's medical loss ratio, which ensures that the dollars consumers pay on their healthcare go to just that and not to CEO salaries and overhead costs. He has also publically opposed the individual mandate and has supported converting the ACA's premium tax credits from an income-based to an age-based rating system, which would significantly bar patient access to quality, affordable care.

Most concerning are Dr. Gottlieb's undeniable ties to some of the largest pharmaceutical companies in the marketplace. As an adviser for New Enterprises Associates, Dr. Gottlieb currently manages more than 40 drugs now in development that could come before the FDA for approval. He has also received compensation from many of these companies, earning more than \$400,000 from multiple pharmaceutical and medical device companies from 2013 to 2015 alone. Dr. Gottlieb also served on six pharmaceutical company boards, two insurance company boards, one medical laboratory company board, and several other similar boards, all of which have hundreds of drugs currently awaiting FDA approval. Without proper recusal, which

Dr. Gottlieb has not committed himself to in full, these conflicts are in direct contradiction to the ethics and objective work required of the Commissioner of the FDA.

The leader of the FDA has a firm responsibility in promoting policies and overseeing drug development with the purpose of enhancing the health and well-being of the American people. We should put ourselves in the shoes of the American people, our constituents, in evaluating nominees to head agencies that bear directly on the public's healthcare needs. Given Dr. Gottlieb's significant conflicts of interest, combined with his ideological approaches to public health policy, which suggest that he would rather deny patients access to lifesaving resources than support ways to improve healthcare and promote prevention efforts for all, I cannot in good conscience support his nomination.

Mrs. MURRAY. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

#### CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. HOEVEN. Mr. President, now is the time to get back to basics. The Federal Government doesn't exist for its own sake, it exists for the people, and if Federal regulation serves no useful function for the people, then it only serves to hold back our Nation's prosperity and growth.

With so many Americans hungry for good-paying jobs, now is the time to unleash our Nation's economic potential by getting government out of the way. It is just plain common sense to eliminate regulations that are duplicative, costly, and unworkable. We need to get back to the basics by getting rid of those kinds of regulations, and one of those regulations is the BLM methane rule.

Now, the BLM methane rule is one of those midnight regulations that the Obama administration put out as they were walking out the door. This new regulation from the Bureau of Land Management—or BLM—imposes new rules and royalty rates on methane emissions from oil and gas production on Federal and Indian lands.

For those wondering why methane emissions aren't already regulated, there is a simple explanation: They are. Under the Clean Air Act, the Environmental Protection Agency, in partnership with individual States, is tasked with regulating air quality, which includes methane emissions. In fact, States like my State of North Dakota and the State of Texas, where the Presiding Officer resides, currently have regulatory systems in place to

govern oil and gas emissions. Critically, the North Dakota Industrial Commission has put in place flaring requirements that have successfully reduced the flaring in our State from 35 percent down to 10 percent as a result of their work, and they have a goal to take it even further. This flaring reduction is a big deal because to reduce methane emissions you need to reduce flaring.

Flaring sounds complicated, but it is very simple. When excess gas is produced along with oil and it can't be captured, then it gets burned off, or flared. Neither industry nor State officials like flaring because it wastes natural gas—it wastes a natural resource—of which methane obviously is the main component. As most Americans know, obviously, natural gas is a valuable commodity that is used to heat our homes and power our factories. That is why both industry and the States have worked hard to make big improvements. They want to capture that natural gas and that methane. That is not just in North Dakota. That is in other energy-producing States across the country.

Nationally, methane emissions from the oil and gas industry have been on the decline for a number of years. So we are already actively working at the State level under a regulatory regime where States have primacy to spend, authorized by EPA, to reduce natural gas flaring.

With methane emissions already being regulated and reduced by the States and industry, it is tough to figure out why this new BLM regulation has been passed and what it is accomplishing. This rule has been calculated to cost up to \$279 million each year. So the cost of this rule is \$279 million a year—a duplicative rule. That is in addition to the redtape. BLM estimates that the rule will impose an additional 82,000 hours of paperwork.

These numbers just might sound like the cost of doing business, if you will, but America's job creators know it is really costing us business, it is costing us economic growth, and it is costing us jobs. These aren't really numbers. There are livelihoods at stake.

What makes the BLM methane rule particularly burdensome is the fact that it is simply unworkable. The rule sets a maximum volume that each well can flare, which will lead to curtailment and shut-in wells, meaning actually having to shut down the wells. Of course, that decreases oil production and reduces royalty payments. So that means less energy, the owners get less revenue, and we have less jobs. Meanwhile, this rule treats all drilling spacing units the same, regardless of whether they have minimal Federal ownership. Remember, a lot of these wells they are trying to regulate are on minerals owned by the Federal Government, but they may also be on minerals owned by private individuals. So, once again, we have one of these Federal one-size-fits-all regulations that just does not work in practice.

That is why regulating the natural gas and methane emissions has been delegated to the States by EPA and why it should be up to the States.

So the States are fighting back. Wyoming, Montana, and North Dakota filed a legal challenge to the rule in the U.S. district court in Wyoming.

The good news is that the States and our economy will not have to wait until this lawsuit makes its way through the court system. We can provide regulatory relief right now, and we should do so through the Congressional Review Act—the CRA—which provides Congress with a tool to ride the Nation of burdensome, duplicative regulations like this one, and that is what our schedule is for tomorrow—to take up this CRA.

I am a cosponsor of this CRA, and we need to pass it. I wish to thank the chairman of the EPW Committee, Senator BARRASSO, for his work on this issue, and others. The House has already passed this CRA. This has already been passed by the House. The President has expressed his support for it. We need to pass it tomorrow. We need to get this done.

Every week I meet with North Dakotans and others who are working so hard to produce energy for this country, to create jobs and a better future for their families. They need and deserve a Federal Government that will not stand in their way. This is a basic but fundamental objective and a good place to reduce that regulatory burden to get our economy going. The way to create more economic growth, more jobs, and higher income levels is by reducing the regulatory burden, and this is a great example.

Again, it is just about common sense. It is about empowering the States to take a States-first approach, a State's primacy approach in terms of this kind of regulation. How we produce energy in Texas or North Dakota or Ohio or Pennsylvania or Washington State—it is different across the country. We can't have a Federal one-size-fits-all rule. That is why it needs to be left up to the States.

We have a chance tomorrow to pass this measure, and it is exactly the kind of measure that will help reduce that regulatory burden, help us grow our economy, and help us create good jobs.

I urge my colleagues to join with us and pass this CRA.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### SPIRIT AIRLINES

Mr. NELSON. Mr. President, most everybody has seen the news of another disturbance with regard to an airline in an airport terminal. Indeed, what has

happened at the Fort Lauderdale-Hollywood International Airport just in the last day has been a disturbance where they had to call in the Broward County Sheriff's Office to put down the disturbance because there were some upset people.

I have just gotten off the phone with the CEO of Spirit Airlines, as well as the head of the Air Line Pilots Association, and basically have told them that they should get this thing fixed and get it fixed quick. There is not so much a labor dispute, because they are in negotiations and I think are reaching final conclusions, but, as a result of some things with the schedule, it caused a number of flights to be canceled and, unfortunately, canceled right at the last before they could let the passengers know ahead of time before they ever came to the airport. Even much more of an irritant, they load them on the airplane as if they are ready to go and then tell them they don't have a crew of pilots and, therefore, the flight has to be canceled. Those problems are going to go through today and tomorrow.

I am given to believe—having talked to the head of the pilot's union, as well as the CEO of the airline—that they will have this straightened out over the next several days. It has been costly, and it has certainly been an irritant and an inconvenience to the passengers because 300 flights have been canceled already in the past several days, and we are going to see some more canceled in the next couple of days.

Now, this all culminated in what the American television viewer has seen—a chaotic scene at Spirit's front ticket counter at the Fort Lauderdale airport after passengers had to get off of the airplane and the canceled flight. Many people have seen this video. It is now circulating online. Obviously, these passengers were very frustrated, and it took, unfortunately, the deputies coming in to put down the disturbance.

Having said that, this is just the latest. Doesn't that recall something else that has happened in the last few weeks—a passenger being dragged off of an airplane, beaten, and bloodied? Then, who has to come and get him but an element of the airport authority of Chicago. Haven't we also seen on another TV episode—and isn't this telling us something—that passengers are now recording evidence of how passengers are being treated because they have cell phones and cell phones have video cameras. So we saw an airline employee kind of go off on passengers in the case of another airline. Well, airlines, you had better start fixing this because the passengers are not going to tolerate it.

On the instant circumstance, having talked with the CEO and the head of the union, they are in these discussions. I think they are going to get it fixed. But they need to fix it fast because the traveling public only has so much patience. What happened at Fort Lauderdale was unacceptable and deep-

ly unfair to the affected passengers, the overwhelmed airline employees, and local law enforcement. It was unfair. Let's not forget, also in dealing with the Fort Lauderdale airport, that memories are still fresh of the shooting that took place in January at the baggage claim.

Now, what happened just last night in Fort Lauderdale is just another example of passengers becoming sick and tired of what they perceive as mistreatment by airlines, be it that circumstance in Chicago with the forcible removal of a passenger, or be it failing airline IT systems and airline fees run amok. So the airlines had better start paying attention to this.

It appears airlines are giving the impression that they have forgotten their customers must come first. So what is it? I know the airline companies don't intend to do this, but it is happening. It is being recorded on video, and it is all the more causing people to express their frustrations.

I have no trouble in putting the airlines on notice. If they can't get their act together and start treating the flying public with respect rather than making them think they are self-loading cargo, then this Congress is going to be forced to act, and that time is going to come soon as the Senate begins work this year on what will be a bipartisan long-term bill to reauthorize the Federal Aviation Administration. That bill is coming later this year.

I just want to say in conclusion that we have had a hearing in our Commerce Committee on this. I thought that would be enough and this Senator wouldn't have to speak out anymore, but here, again, we have another incident. My heart goes out, for example, to some of the CEOs who are trying to change a culture of treating passengers with disrespect or ignorance. It is important they change that culture because we will continue to see these kinds of circumstances arise if passengers do not feel like they are getting the proper respect they deserve. After all, they are customers. They are paying customers of the airlines.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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

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

All postcloture time has expired.

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

Mr. NELSON. Mr. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 124 Ex.]

#### YEAS—57

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Ernst     | Murkowski |
| Barrasso  | Fischer   | Nelson    |
| Bennet    | Flake     | Paul      |
| Blunt     | Gardner   | Perdue    |
| Boozman   | Graham    | Portman   |
| Burr      | Grassley  | Risch     |
| Capito    | Hatch     | Roberts   |
| Carper    | Heitkamp  | Rounds    |
| Cassidy   | Heller    | Rubio     |
| Cochran   | Hoeven    | Sasse     |
| Collins   | Inhofe    | Scott     |
| Coons     | Johnson   | Shelby    |
| Corker    | Kennedy   | Strange   |
| Cornyn    | King      | Sullivan  |
| Cotton    | Lankford  | Thune     |
| Crapo     | Lee       | Tillis    |
| Cruz      | McCain    | Toomey    |
| Daines    | McConnell | Wicker    |
| Enzi      | Moran     | Young     |

#### NAYS—42

|              |           |            |
|--------------|-----------|------------|
| Baldwin      | Harris    | Peters     |
| Blumenthal   | Hassan    | Reed       |
| Booker       | Heinrich  | Sanders    |
| Brown        | Hirono    | Schatz     |
| Cantwell     | Kaine     | Schumer    |
| Cardin       | Klobuchar | Shaheen    |
| Casey        | Leahy     | Stabenow   |
| Cortez Masto | Manchin   | Tester     |
| Donnelly     | Markley   | Udall      |
| Duckworth    | McCaskill | Van Hollen |
| Durbin       | Menendez  | Warner     |
| Feinstein    | Merkley   | Warren     |
| Franken      | Murphy    | Whitehouse |
| Gillibrand   | Murray    | Wyden      |

#### NOT VOTING—1

Isakson

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.

The Senator from Florida.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Florida.

#### VENEZUELA

Mr. RUBIO. Mr. President, I rise to speak briefly this afternoon on the ongoing crisis in Venezuela. There is a growing interest in the matter here among my colleagues in the Senate and the White House and other places—certainly, in the press—and thankfully so. This has been going on now for a significant period of time.

Just to put it in context, a lot of times, when we talk about these sorts of showdowns around the world—these sorts of internal strife—there is this notion that there is this government in place and there is this group that does not like the government and that they are arguing with each other about the future of the country. What is interesting in Venezuela is that both the opposition and the ruling party are in government. The government, obviously, at the Presidential level is controlled by someone who has turned himself into a dictator. He is a successor of Hugo Chavez's—he is the President, Nicolas Maduro—and those who surround him. Then there is the National Assembly that is elected by the people of Venezuela, the majority party in their legislative branch.

What has happened over the last year and a half is that the President of Venezuela, Maduro—the now dictator—has nullified the legislative branch. He basically refuses to recognize the laws they have passed and has stopped allowing transfers. So, basically, today, those in the National Assembly in Venezuela are not getting paid. They have no funds for offices, and they have no funds for material. They will pass a law, and those laws are ignored. That is the ongoing crisis.

The second part of it is that, under their Constitution, Venezuela's Constitution, if you had collected a certain number of signatures by December of this year, by the end of the year, they had to hold a referendum on the President, a recall referendum. They refused to certify the signatures even though the people who collected them turned in four times as many signatures as were necessary.

The third is that they are supposed to have a Governor and legislative elections this year in Venezuela. Maduro has canceled those, and there is no telling, but it does not seem as though they are going to have a Presidential election either.

Here is the bottom line: The strife in Venezuela that is going on today can be solved by having an election of the people of Venezuela, by basically following their existing Constitution, but that is not what they have allowed to have happen. On the contrary, not only are they not allowing these elections to happen, but anyone who protests against them has been jailed; press has been kicked out of the country; CNN has been kicked out of Venezuela, as an example. Now we are seeing reports of there being escalating violence in the streets, and it is extraordinary. What is interesting, though, is that fissures are beginning to develop.

The message we send here today—first of all, to those who are in the streets who are fighting for democracy and for following the law and having elections in Venezuela—is that we stand with you. We will never let your cause fall, and we will never accept these ridiculous moves that Maduro is now taking to rewrite the Constitu-

tion, yet again, through a flawed and fraudulent process.

The second message we have is to the people in the Venezuelan Government who do not want to be a part of what is happening. We now see examples of the Attorney General, Luisa Ortega, who is part of the Maduro government and has been largely friendly but who, lately, has begun to break away from the government, going so far as to criticize the government's escalating repression.

You see it increasingly among the rank and file in the National Guard of Venezuela, who are all armored up like G.I. Joe, facing down these unarmed protesters, but on the other side of the protests are their mothers, their fathers, their brothers, their sisters, their wives, their husbands, and their friends and neighbors. What is really troubling now is that these armed groups—irregular groups, these militias—that Maduro has armed and trained with the help of Cuban intelligence have spun completely out of control.

These groups are going around randomly beating people up, setting up roadblocks, and committing all sorts of acts of violence. They are not uniformed. These are collectives, as they call them—basically, these armed militias—outside of the government who are funded, created by Maduro and who have now begun to spin out of control, even to the point at which they, themselves, I believe, are potentially threatened by these groups who, in addition to funding themselves through the government, have found other ways to fund themselves through illicit means, including through street crime.

This situation is reaching a breaking point, and I think it is an important moment to remind the men and women in uniform in the National Guard of Venezuela that their job is to protect the people of Venezuela, not to oppress them; that their job is to protect and uphold the Constitution of that country, not to cancel it out; to remind them that the men and women on the other side of these protests are their families and their fellow Venezuelans.

Now the time has come to tell the men and women in the Venezuelan Government—many who, perhaps, sympathize with Hugo Chavez and Maduro up to a point—that they do not want to go down with this ship, that they do not want to wind up on the list of people who have participated in this crackdown and in this oppression.

I hope that my colleagues here will continue to work hard. I am encouraged by the amount of bipartisan support that we have begun to create on the issue of Venezuela. I know my colleague, Senator CARDIN, and I have worked out bipartisan legislation that urges the Maduro regime to release all of its political prisoners and express support for a solution to the crisis. I urge all of my colleagues to join me in cosigning this bipartisan legislation.

We also support the administration's efforts at the OAS to continue to work

with regional governments in Argentina, Colombia, Mexico, Peru, Chile, Brazil, and others who have taken heed of this issue and have played an extraordinary leadership role in raising this in international forums.

Beyond that, I encourage the administration to continue to look for names to sanction. They have the authority under the law—passed not once but twice by this Congress—that allows them to identify specific individuals within the Venezuelan Government who are stealing the money of the Venezuelan people and committing grotesque human rights violations and have real estate and other personal property and cash deposits and bank accounts around the world from what they have illicitly stolen from the people of Venezuela.

Here is my closing point: Maduro's government is now relying on credit from all parts of the world in order to continue to sustain itself.

To any private investment banks and any of these large global banks that are thinking about lending money to Venezuela, you are abetting this regime and its repression, and you will be singled out and named if you participate in continuing to lend them money to fund this.

To the Russian Government, I say that you are not going to get your money back. These guys cannot pay you back.

It is the same for the Chinese Government.

If you continue to lend money to the Maduro regime, they will not be able to pay you back, and you are going to be embarrassed.

The Chinese Government is going to be embarrassed if it continues to loan money to Venezuela.

They cannot and will never pay you back.

The Russians cannot afford to continue to lend money to a government that will not pay them back either.

I urge them to look at that very carefully before they continue to embarrass themselves by lending out their people's money that they will never get back.

This is an important issue. It is in our own hemisphere, and the answer lies one election away. If only the Maduro regime would follow its laws and its Constitution, Venezuela would be on a better path that its people would choose. The alternative to this situation will continue to spiral out of control.

We in this Chamber and in this country will continue to be on the side of the men and women who seek nothing but democracy and seek nothing but peace and reconciliation and a way forward for this nation, which has a deep history of democratic order.

Mr. President, I yield the floor.

## ADDITIONAL STATEMENTS

### RECOGNIZING URBANDALE, IOWA

• Mrs. ERNST. Mr. President, I wish to recognize the city of Urbandale, IA, which was founded 100 years ago.

The city of Urbandale was incorporated on April 16, 1917. Early denizens worked primarily in local coal mines, many of which closed by the late 1940s. Urbandale was also a so-called street car suburb, where residents could commute to their jobs in the city—Des Moines—via a street car on the Urbandale Line until they were replaced by buses in the early 1950s. Over the years, the community saw homes go up, restaurants and business flourish, and people from all corners of the world pass through, from Presidential candidates to Pope John Paul II, who held mass at Living History Farms in 1979. Urbandale is one of those quintessential Iowa towns where you would want to raise a family. Though the community had only 298 residents in the 1920s, today over 40,000 people call Urbandale home.

I would like to congratulate the city of Urbandale on their centennial year, and I ask that my colleagues in the U.S. Senate join me in congratulating them and wishing them another prosperous century. •

### 100TH ANNIVERSARY OF MCCORMICK COUNTY

• Mr. GRAHAM. Mr. President, November 2016 marked the 100th anniversary of the founding of McCormick County, the smallest and second youngest county in South Carolina. Known as the Gem of the Freshwater Coast, McCormick's rich history dates back to before our Nation's founding. The first overt act of the American Revolution in South Carolina occurred in McCormick County, at Fort Charlotte near Mount Carmel on July 12, 1775. McCormick continued to grow after the discovery of gold in 1850 and the expansion of the railroad. Today McCormick is known for its "Natural Pace of Life," with ample outdoor recreation opportunities and hospitable citizens.

On behalf of South Carolina and all of us here in the Senate, I offer congratulations to the entire McCormick County community on reaching this milestone. Best wishes for continued success and prosperity. •

### REMEMBERING JOHN C. "SKEFF" SHEEHY

• Mr. TESTER. Mr. President, today I wish to honor Justice John C. Sheehy, whose life was a Montana story, eulogized with these words from his family

The material follows:

John C. "Skeff" Sheehy, 99, lawyer, jurist, and family patriarch, died Friday, April 7, 2017, at his home in Helena.

Skeff was born Jan. 27, 1918, to Cornelius and Anna Sheehy in Butte, the first of seven

children. Although he lived in other Montana towns for 80 years of his life, he believed, along with his brother Joe, that "if you're not in Butte, you're camping out." He was educated at Catholic schools in Butte, attended the Montana School of Mines (now Montana Tech) and then the University of Montana School of Law. He obtained his law degree in 1943 and went to work in Helena for insurance commissioner J.D. Holmes.

Skeff married Rita Ann Schiltz in 1945, and only death would part them. In 1947, they moved to Billings, Rita's hometown. Skeff began a 30-year law practice with his brother-in-law and great friend, Jack Schiltz. They tried all manner of cases and represented all sorts of clients. They also had a lot of fun. Schiltz and Sheehy were responsible for most of the skits, songs and frivolity at the Billings Bar meetings for decades. Over time, Schiltz and Sheehy joined others in the practice, including George Hutton, R.G. Wiggenhorn, and Brent Cromley. Skeff's professional accomplishments were recognized by the State Bar of Montana in 2005 with the Jameson Award and by the Montana Trial Lawyers Association in 2016 with its first lifetime achievement award.

Between 1959 and 1970, Skeff served in both houses of the state legislature. He was the first Democrat to break the "straight eight" Republican legislative block in Yellowstone County during those decades of county-wide ballots. In 1978, Gov. Tom Judge appointed Sheehy to the Montana Supreme Court. He was elected to his seat twice before retiring in 1991. Justice Sheehy was the author of the decision rejecting the challenge to Montana's coal severance tax. The United States Supreme Court upheld his decision. Throughout his tenure on the court, Sheehy was known as a champion of the powerless who recognized the role the constitutions of his state and nation played in ensuring that the least among us was accorded the same rights and privileges as those more fortunate.

After his death, clients he represented and lawyers he influenced made sure his family knew about his quiet influence. The child of one client, whom he represented without compensation, told the family how much it meant to their family just to have a man like Sheehy at their side in a dispute with the Internal Revenue Service. "It wasn't a fairy tale ending," she noted. "We still had to pay something. But we had our dignity back. And from that time forward, your father's name was spoken in our house with a reverence otherwise reserved for God."

The family also heard from judges and lawyers throughout the state, echoing common themes:

"Your dad was the number one hero and inspiration in the law to me."

"Your dad set the standard for what a supreme court justice should be. He cared about people, he cared about fundamental rights, and he was a master of the language."

"Your dad was a great mentor. He had a way of teaching without preaching. And he made the work fun. He always lightened the occasion with a song or a poem. We all loved him so." A devoted Catholic, Sheehy attended Mass every morning and said the rosary every night. His faith guided him through the Great Depression, a near-fatal car wreck in 1936, Montana politics in the 60s and 70s, an armed assailant in his Supreme Court office in 1984, the death of his beloved Rita in 2012, and everything in between.

Skeff and Rita raised eleven children long before "parent" was a verb. In those days without cell phones and texts, Dad communicated with full voice, songs, prayer, jokes, and sometimes long silences. He imparted much wisdom, ranging from "Trust everyone, but cut the cards," to "you'd starve to death with a ham on your back." He rarely

said good-bye, preferring “tap ‘er light” or “don’t go with the old feeling.”

Engagement was Skeff’s distinguishing characteristic. His children’s greatest fan, he drove all over Montana to their events. Though he liked to quote J.D. Holmes that “Human beings are a lousy arrangement,” he loved human arrangements: parades, games, weddings, and funerals. In the last years of his life, he and Rita and assorted family and friends ate dinner at the Motherlode every Tuesday, and Friday noons were reserved for lunch at Benny’s Bistro. He liked the bustle of people. At home, he read and watched the news every day and night; he did the crossword and sudoku; and he didn’t often miss Jeopardy. He was engaged in the world to his last day on earth.

Sheehy was preceded in death by his wife Rita; brothers Tom, Edmund, Joseph, and Jim Sheehy; by his sister Margaret, known as Sister Serena Sheehy, SLC; and by his granddaughter Rita Mary. He is survived by his 11 children, Anne (Peter) Yegen of Park City, Tom Sheehy of Helena; Mary (Duane) Moe of Great Falls, Patrick (Debbie) Sheehy of Billings, Kate (Dirk) Whitney of Helena, Eileen Sheehy (Bob Maxson) of Billings, Rosalie (David) Cates of Missoula, Margaret Sheehy (Ralph Johnson) of Albany, NY, Jenifer Sheehy of Billings, Martha Sheehy (Sid Thomas) of Billings and John Sheehy (Jill Golden) of Marlboro, VT. His lone surviving sibling, Sister Eileen Sheehy, SLC, lives in Grand Junction, CO. He is also survived by 19 grandchildren, nine great-grandchildren, and many treasured nieces and nephews, their spouses and their children.●

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 280. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes (Rept. No. 115-45).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 644. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, and for other purposes (Rept. No. 115-46).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 729. A bill to authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site, and for other purposes (Rept. No. 115-47).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 88. A bill to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Parker’s Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes (Rept. No. 115-48).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 267. A bill to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes (Rept. No. 115-49).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 538. A bill to redesignate Ocmulgee National Monument in the State of Georgia

and revise its boundary, and for other purposes (Rept. No. 115-50).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 560. A bill to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes (Rept. No. 115-51).

S. 225. A bill to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon (Rept. No. 115-52).

S. 285. A bill to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes (Rept. No. 115-53).

S. 289. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes (Rept. No. 115-54).

S. 617. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 115-55).

H.R. 618. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes (Rept. No. 115-56).

H.R. 688. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes (Rept. No. 115-57).

H.R. 689. A bill to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes (Rept. No. 115-58).

H.R. 699. A bill to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon (Rept. No. 115-59).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

\*Terry Branstad, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People’s Republic of China.

Nominee: Terry E. Branstad.

Post: Beijing, People’s Republic of China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, donee:

1. Self: 7/11/2016, \$100.00, #40009 Kim Reynolds for Lieutenant Governor; 6/30/2016, \$100.00, #2330 David Kerr State House; 2/17/2016, \$100.00, #9015 Boone County Republican Central Committee; 9/3/2015, \$100.00, #2232 Rene Gadelha for Iowa Senate, #6234 Iowa Farm Bureau Federation Political Action; 7/13/2015, \$50.00, Committee; 2/2/2015, \$100.00, #9015 Boone County Republican Central Committee; 7/11/2014, \$500.00, #5165 Iowans for Sam Clovis; 7/11/2014, \$500.00, #5163 Adam Gregg for Iowa; 6/25/2014, \$500.00, #5158 Pate for Iowa; 5/21/2014, \$30.00, #9158 Pottawattamie County Republican Central Committee; 1/16/2014, \$100.00, #9015 Boone County Republican Central Committee; 12/3/

2013, \$250.00, #2137 Gustafson for Iowa House; 11/6/2013, \$500.00, #1654 Garrett for Statehouse Committee; 10/29/2013, \$500.00, #9167 Scott County Republican Central Committee; 7/13/2013, \$250.00, #5123 Northey for Iowa Agriculture; 6/13/2013, \$250.00, #5154 Mosiman for State Auditor; 6/5/2013, \$250.00, #5137 Friends of Matt Schultz; 1/17/2013, \$100.00, #9015 Boone County Republican Central Committee; 12/6/2012, \$100.00, #2107 Schneider for State Senate; 5/25/2012, \$100.00, #2048 Schweers for Senate; 5/18/2012, \$100.00, #1654 Garrett for Statehouse Committee; 4/17/2012, \$100.00, #2048 Schweers for Senate; 3/10/2012, \$50.00, #18851 Lampe for Sheriff; 3/10/2012, \$100.00, #18801 Chet Hollingshead for Supervisor; 3/10/2012, \$40.00, #9015 Boone County Republican Central Committee; 1/25/2012, \$100.00, #9015 Boone County Republican Central Committee; 07/11/14, \$500.00, Blum, Rodney VIA Blum for Congress; 03/31/12, \$2,500.00, King, Steve Mr. VIA King for Congress; 06/13/12, \$240.00, King, Steve Mr. VIA King for Congress; 07/16/14, \$500.00, Young, David VIA Young for Iowa, Inc.; 06/30/15, \$500.00, Ernst, Joni K VIA Joni for Iowa; 10/3/16, \$1,000.00, Trump, Donald J VIA Trump for President, Inc.

2. Spouse: Christine Branstad: 7/11/2016, \$100.00, #40009 Kim Reynolds for Lieutenant Governor; 12/6/2012, \$100.00, #2107 Schneider for State Senate.

(Note: Both were joint with Governor Branstad)

3. Children and Spouses: Eric David Branstad: 6/28/2015, \$50.00, #14089 John Mickelson for City Council; 10/9/2014, \$10.00, #5140 Governor Branstad Committee; 8/21/2014, \$100.00, #5165 Iowans for Sam Clovis; 7/14/2014, \$50.00, #5158 Pate for Iowa; 6/29/2014, \$50.00, #14089 John Mickelson for City Council; 11/22/2013, \$50.00, #1711 Cowrie for Statehouse; 5/22/2013, \$150.00, #9156 Polk County Republican Central Committee; 10/22/2012, \$8.00, #9640 Winnebago County Republican Women; 4/11/2012, \$135.00, #18491 The Committee to Elect Chad Airhart; 10/01/15, \$250.00, Growth Energy PAC. Eric David Branstad and Adrienne Branstad (joint): 8/8/2015, \$50.00, #14287 Friends of Eric Johansen; 9/30/2014, \$25.00, #14093 Committee to Elect Michael McCoy. Marcus Andrew Branstad: 8/11/2015, \$100.00, #14287 Friends of Eric Johansen; 7/3/2014, \$100.00, #5163 Adam Gregg for Iowa; 6/23/2014, \$25.00, #5158 Pate for Iowa; 06/10/16, \$21.00, American Chemistry Council PAC; 06/24/16, \$21.00, American Chemistry Council PAC; 07/08/16, \$21.00, American Chemistry Council PAC; 07/22/16, \$21.00, American Chemistry Council PAC; 08/05/16, \$21.00, American Chemistry Council PAC; 08/19/16, \$21.00, American Chemistry Council PAC; 09/02/16, \$21.00, American Chemistry Council PAC; 09/16/16, \$21.00, American Chemistry Council PAC; 10/14/16, \$21.00, American Chemistry Council PAC; 05/15/15, \$21.00, American Chemistry Council PAC; 06/12/15, \$21.00, American Chemistry Council PAC; 06/26/15, \$21.00, American Chemistry Council PAC; 07/10/15, \$21.00, American Chemistry Council PAC; 07/24/15, \$21.00, American Chemistry Council PAC; 08/07/15, \$21.00, American Chemistry Council PAC; 08/21/15, \$21.00, American Chemistry Council PAC; 09/04/15, \$21.00, American Chemistry Council PAC; 09/18/15, \$21.00, American Chemistry Council PAC; 10/02/15, \$21.00, American Chemistry Council PAC; 10/16/15, \$21.00, American Chemistry Council PAC; 11/13/15, \$21.00, American Chemistry Council PAC; 11/27/15, \$21.00, American Chemistry Council PAC; 12/11/15, \$21.00, American Chemistry Council PAC; 12/24/15, \$21.00, American Chemistry Council PAC; 10/28/16, \$21.00, American Chemistry Council PAC; 11/11/16, \$21.00, American Chemistry Council PAC; 11/25/16, \$21.00, American Chemistry Council PAC; 12/09/16, \$21.00, American Chemistry Council PAC; 12/23/16, \$21.00, American Chemistry Council PAC; 05/27/16, \$21.00,

American Chemistry Council PAC. Nicole Branstad (married to Marcus Branstad)—not applicable. Allison (Branstad) Costa and Jerry Costa—not applicable.

4. Parents: Edward Branstad (father)—deceased; Rita Branstad (mother)—deceased; Enolia Branstad (stepmother)—not applicable.

5. Grandparents: Helmer Branstad—deceased; Hazel Branstad—deceased; Louis Garland—deceased; Gertrude Garland—deceased.

6. Brothers and Spouses: Monroe Branstad: 5/11/2016, \$250.00, #19430 Hepperly for Sheriff.

7. Sisters and Spouses: not applicable.

\*Todd Philip Haskell, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: Todd Philip Haskell.

Post: Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Todd Haskell: none.

2. Jennifer Conn Haskell: \$50, 6/2012, DNCC.

3. Michael Jonathan Conn Haskell (son): \$50, 2/2016, Hillary Clinton.

4. Jonah Alexander Conn Haskell (son): none.

5. Seth Thomas Conn Haskell (son): none.

6. Walter Haskell (father, deceased); Gloria Haskell (mother, deceased).

7. Grandparents: Edward Smoller (deceased); Henrietta Smoller (deceased); David Haskell (deceased); Elsie Haskell (deceased).

8. Brothers and Spouses: Marc Haskell (deceased); Walter Haskell (deceased).

9. Sisters and Spouses: Jackie Grando (deceased).

\*Tulinabo Salama Mushingi, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Nominee: Tulinabo Mushingi.

Post: Senegal and Guinea-Bissau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, and donee:

1. Self: None.

2. Spouse: Rebecca Mushingi: 2016, \$200.00, Hillary Victory Fund; 2015, \$100.00, Hillary for America.

3. Children and Spouses: Furaha Mushingi, none.

4. Parents: Bahiga & Namazi F. Mushingi—deceased.

5. Grandparents: Bahiga & Mwandafunga—deceased.

6. Brothers and Spouses: None ever visited/lived in the USA.

7. Sisters and Spouses: None ever visited/lived in the USA.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive

Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

\*Foreign Service nomination of Alexander Dickie IV.

\*Foreign Service nominations beginning with Joel Justin Agaloff and ending with Iva Ziza, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2017.

\*Foreign Service nominations beginning with Edward Francis Acevedo and ending with Benjamin D. Zinner, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2017. (minus 1 nominee: Kenneth W. MacLean)

\*Foreign Service nominations beginning with Jim Nelson Barnhart, Jr. and ending with Anne N. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2017. (minus 1 nominee: Tanya S. Urquieta)

\*Foreign Service nominations beginning with Jeffery S. Austin and ending with Jeffrey G. Willnow, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2017. (minus 1 nominee: David A. Ashford)

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FLAKE (for himself and Mrs. McCASKILL):

S. 1071. A bill to require the evaluation and consolidation of duplicative green building programs within the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself, Ms. HIRONO, Mr. TESTER, and Mr. MANCHIN):

S. 1072. A bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO:

S. 1073. A bill to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself and Mr. BENNET):

S. 1074. A bill to amend the Internal Revenue Code of 1986 to provide uniform standards for the use of electronic signatures for third-party disclosure authorizations; to the Committee on Finance.

By Mrs. CAPITO (for herself, Mr. MANCHIN, and Mr. PORTMAN):

S. 1075. A bill to direct the Secretary of Energy and the Secretary of Commerce to conduct a study of the feasibility of establishing an ethane storage and distribution hub in the United States; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Ms. BALDWIN, Mr. BROWN, Mr. FRANKEN, Ms. KLOBUCHAR, Mrs. McCASKILL, Mr.

PETERS, Mr. REED, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 1076. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modify certain provisions relating to multiemployer pensions, and for other purposes; to the Committee on Finance.

By Mr. MANCHIN:

S. 1077. A bill to direct the Secretary of Health and Human Services to amend the mission statement of the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mrs. CAPITO, Mrs. McCASKILL, and Mr. KING):

S. 1078. A bill to establish procedures regarding the approval of opioid drugs by the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN:

S. 1079. A bill to require the Food and Drug Administration to revoke the approval of one opioid pain medication for each new opioid pain medication approved; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. McCASKILL (for herself, Mr. BLUNT, Mr. DURBIN, and Ms. DUCKWORTH):

S. 1080. A bill to amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself and Mr. CORNYN):

S. Res. 160. A resolution honoring the service to United States Armed Forces provided by military working dogs and contract working dogs, also known as "war dogs"; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 324

At the request of Mr. HATCH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 447

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 447, a bill to require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

S. 473

At the request of Mr. TESTER, the name of the Senator from Wisconsin



(Ms. BALDWIN) was added as a cosponsor of S. 473, a bill the amend title 38, United States Code, to make qualification requirements for entitlement to Post-9/11 Education Assistance more equitable, to improve support of veterans receiving such educational assistance, and for other purposes.

S. 540

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 569

At the request of Ms. CANTWELL, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 569, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 656

At the request of Mr. COTTON, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 656, a bill to help individuals receiving disability insurance benefits under title II of the Social Security Act obtain rehabilitation services and return to the workforce, and for other purposes.

S. 712

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 712, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 720

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

S. 765

At the request of Mr. PERDUE, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 765, a bill to amend title 18, United States Code, to provide for penalties for the sale of any Purple

Heart awarded to a member of the Armed Forces.

S. 838

At the request of Mr. COTTON, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 838, a bill to amend the Truth in Lending Act to include retrofit loans such as property assessed clean energy loans, and for other purposes.

S. 916

At the request of Mr. CASSIDY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 916, a bill to amend the Controlled Substances Act with regard to the provision of emergency medical services.

S. 926

At the request of Mrs. ERNST, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 976

At the request of Mr. ENZI, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 976, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 978

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 978, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 985

At the request of Mr. MARKEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 985, a bill to prohibit the Secretary of the Interior from revising the approved oil and gas leasing program for fiscal years 2017 through 2022.

S. 992

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 992, a bill to direct the Secretary of Veterans Affairs to conduct an independent review of the deaths of certain veterans by suicide, and for other purposes.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1034, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes.

S. 1055

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator

from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1055, a bill to restrict the exportation of certain defense articles to the Philippine National Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes.

S. RES. 109

At the request of Mr. COONS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. Res. 109, a resolution encouraging the Government of Pakistan to release Aasiya Noreen, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

S. RES. 139

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 139, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 155

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Colorado (Mr. BENNET), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 155, a resolution expressing the sense of the Senate that the United States should work in cooperation with the international community and continue to exercise global leadership to address the causes and effects of climate change, and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 160—HONORING THE SERVICE TO UNITED STATES ARMED FORCES PROVIDED BY MILITARY WORKING DOGS AND CONTRACT WORKING DOGS, ALSO KNOWN AS "WAR DOGS"

Mr. NELSON (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 160

Whereas March 13, 2017, marks the 75th anniversary of the establishment of the United States Army military working dog program, which officially began on March 13, 1942;

Whereas each military working dog (referred to in this preamble as a "war dog") and its handler is currently trained at the 341st Training Squadron at Lackland Air Force Base, which is also home to the Military Working Dog Teams National Monument;

Whereas war dogs have provided service to each branch of the United States Armed

Forces and in each conflict involving the United States since and including the Revolutionary War;

Whereas war dogs are credited with saving countless lives, while alerting service members to danger on patrol, detecting improvised explosive devices, identifying weapons caches, performing search and rescue, and providing other specialized mission functions;

Whereas in conflicts before and including the Vietnam conflict, some war dogs were left behind in conflict areas, but war dogs are no longer considered merely equipment and are now required to be retired in the United States;

Whereas, in recognition of the unique bond between a war dog and its handler team, handlers are given preference in adopting their war dog teammate after the war dog's retirement;

Whereas the service of war dogs has been recognized by senior military leaders, who have stated that the capability of war dogs in combat cannot be replicated by humans or machines and by any measure of performance, war dogs outperform any other asset in the inventory of the United States Armed Forces; and

Whereas numerous war dogs have given their lives in service to the United States Armed Forces, both in active conflict and in retirement, while providing companionship and comfort to veterans and wounded warriors: Now, therefore, be it

*Resolved*, That on the occasion of the 75th anniversary of the establishment of the United States Army military working dog program, the Senate—

(1) recognizes the service that military working dogs and contract working dogs (referred to in this resolution as "war dogs") have provided to the United States Armed Forces;

(2) acknowledges that not all war dogs were given due recognition by being allowed to honorably retire from their service in the United States;

(3) assures the members of the United States Armed Forces that war dogs will continue to be treated with the deference commensurate with their service and rank; and

(4) honors the sacrifices made by war dogs in combat and the services war dogs provide in retirement to members of the United States Armed Forces.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have two requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 9, 2017, at 9:30 a.m., in open and closed sessions, to receive testimony on United States Cyber Command.

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 9, 2017, at 2:30 p.m., in open session to consider nominations.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, May 9, 2017, at 10 a.m.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, May 9, 2017, at 10:15 a.m., to hold a hearing entitled "Nominations."

##### COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, May 9, 2017 at 2:30 p.m., in room SH-219 of the Senate Hart Office Building.

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY AND SECURITY

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Tuesday, May 9, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold Subcommittee Hearing on "Maritime Transportation: Opportunities and Challenges for the Maritime Administration and Federal Maritime Commission."

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, May 9, 2017, at 2:30 p.m., in Room 406 of the Dirksen Senate office building, to conduct a hearing entitled, "Water Resources: The Role of the Public and Private Sectors."

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 52, Robert Lighthizer to be U.S. Trade Representative.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert Lighthizer, of Florida, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

##### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 nomination of Robert Lighthizer, of Florida, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

Mitch McConnell, John Cornyn, Mike Rounds, Orrin G. Hatch, Thom Tillis, Steve Daines, Mike Crapo, Pat Roberts, Thad Cochran, Luther Strange, John Thune, Richard C. Shelby, John Hoeven, John Boozman, Rob Portman, Jerry Moran, David Perdue.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

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

##### ORDERS FOR WEDNESDAY, MAY 10, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

##### PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, we expect to have a rollcall vote on the motion to proceed to H.J. Res. 36, the methane CRA resolution of disapproval, at approximately 10 a.m. tomorrow morning.

##### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator SULLIVAN.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

The assistant Democratic leader.

##### TERMINATION OF JAMES COMEY

Mr. DURBIN. Mr. President, the termination and removal of James Comey as Director of the Federal Bureau of Investigation raises a critical question as to whether the FBI investigation of Russian interference in the last Presidential campaign will continue and whether the investigation into any collusion or involvement by the Trump campaign will be investigated by the FBI. Any attempt to stop or undermine this FBI investigation would raise grave constitutional issues.

We await clarification by the White House as soon as possible as to whether this investigation will continue and whether it will have a credible lead so

that we know it will have a just outcome.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Alaska.

#### TRIBUTE TO SHERRY BESS

Mr. SULLIVAN. Mr. President, every week I have been coming to the floor to recognize someone in my State who has made a difference, someone who has devoted time and energy to making my State a better place to live for others. We call these individuals our Alaskan of the Week.

As I have said repeatedly, I believe my State is the most beautiful State in the country. We have visitors. We want to welcome more and more visitors. Come on up. I guarantee it will be the trip of a lifetime.

When you go to Alaska, one town that nobody should miss is Homer, AK. It is surrounded by the glistening waters of Kachemak Bay, jagged mountains, glaciers, and snowcapped volcanoes. Some people call it the Halibut Fishing Capital of the World. Others call it the Cosmic Hamlet by the Sea. Some, like me, call it a slice of Heaven.

I was there a few weeks ago holding a community meeting. I thanked them then, and I want to thank them all today for the very warm welcome I received.

I also wish to thank Homer for the very warm welcome they gave to Navy destroyer USS Hopper, which spent a few days in Homer before participating in a joint naval exercise with the Army in the Gulf of Alaska. The 300-member crew of the USS Hopper was greeted by hundreds of cheering, flag-waving

Homer residents. The commander of the Hopper, J.D. Gainey, wrote that in his 24 years of naval service, "I have never seen as much patriotism as we enjoyed in Homer." Thank you, Homer, from all of us. Alaskans love Homer.

They see it for the landscape but also for the people. It is a tight-knit community. They might not always agree with one another, particularly with regard to politics, but they look out for each other. Like any community with a heart, they look out for their animals.

This week I want to recognize a special person as our Alaskan of the week, Sherry Bess, who spent nearly 30 years—three decades—taking care of Homer's animals as the manager of the Homer Animal Shelter. In 1989, when Sherry began to volunteer at the pet shelter in Homer, there was one building, no phone, and only four cages to hold cats. "It was basically a shack," she said. The snow would come in through the dog door. The drains in the water bowls would freeze. Sherry's hands and feet were always cold, and it was infested with mice. There was no bathroom. Oftentimes, when the shelter was too busy and when the animals needed extra care, Sherry would take them to her home, where she would care for them.

Sherry and a handful of residents cared for over 1,200 animals each year in that little shelter. Along the way, she gathered both happy stories and heartbreaking stories about the animals she found that were abused and the ones she found homes for. In fact, one of the members of my team in Alaska took a puppy that had been abandoned in a crate in the woods near Homer, took him home, fed him, and Mick Fleagle on my staff now has a dog. His dog Sookie, 8 years old, has the full reign of the house. He is loved.

Thanks to Sherry, stories like that abound throughout Homer. For 26 years, she has worked night and day, 7

days a week, for the pets in that community. She recently stepped down from that job. She is taking care of her own pets, lots of them—her family she calls them—but she will always be known to so many people in Homer for what she has done for their pets and their animals.

"Over the years, those animals that came to me," she said, "... unwanted and sad and depressed, and then you help them and you love them and they go to a home and they're loved. That's the most rewarding thing about what I did."

Sherry said over the years she has noticed that the residents of Homer and throughout the country have been kinder to their pets. Part of that is the result of what Sherry and others like her across the country do to educate the public on taking care of animals through vaccinations, neutering. Some of it is more and more because people like Sherry are considering pets as their families.

So I want to thank Sherry, as our Alaskan of the Week, for all she has done and for all she has done for pets in our great State. Great job.

I yield the floor.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:17 p.m., adjourned until Wednesday, May 10, 2017, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate May 9, 2017:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SCOTT GOTTLIEB, OF CONNECTICUT, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

# Daily Digest

## Senate

### Chamber Action

#### *Routine Proceedings, pages S2821–S2849*

**Measures Introduced:** Ten bills and one resolution were introduced, as follows: S. 1071–1080, and S. Res. 160. **Page S2846**

#### **Measures Reported:**

S. 280, to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado. (S. Rept. No. 115–45)

S. 644, to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, with an amendment in the nature of a substitute. (S. Rept. No. 115–46)

S. 729, to authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site. (S. Rept. No. 115–47)

H.R. 88, to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Parker's Crossroads Battlefield as an affiliated area of the National Park System, with an amendment in the nature of a substitute. (S. Rept. No. 115–48)

H.R. 267, to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia. (S. Rept. No. 115–49)

H.R. 538, to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, with an amendment in the nature of a substitute. (S. Rept. No. 115–50)

H.R. 560, to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area. (S. Rept. No. 115–51)

S. 225, to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon. (S. Rept. No. 115–52)

S. 285, to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado. (S. Rept. No. 115–53)

S. 289, to adjust the boundary of the Arapaho National Forest, Colorado. (S. Rept. No. 115–54)

S. 617, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System. (S. Rept. No. 115–55)

H.R. 618, to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado. (S. Rept. No. 115–56)

H.R. 688, to adjust the boundary of the Arapaho National Forest, Colorado. (S. Rept. No. 115–57)

H.R. 689, to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado. (S. Rept. No. 115–58)

H.R. 699, to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon. (S. Rept. No. 115–59) **Page S2845**

**Lighthizer Nomination—Cloture:** Senate began consideration of the nomination of Robert Lighthizer, of Florida, to be United States Trade Representative, with the rank of Ambassador. **Page S2848**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 11, 2017. **Page S2848**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S2848**

**Nomination Confirmed:** Senate confirmed the following nomination:

By 57 yeas to 42 nays (Vote No. EX. 124), Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services. **Pages S2822–43, S2849**

**Executive Reports of Committees:** **Pages S2845–46**

**Additional Cosponsors:** **Pages S2846–47**

**Statements on Introduced Bills/Resolutions:****Pages S2847–48****Additional Statements:****Pages S2844–45****Authorities for Committees to Meet:****Page S2848****Record Votes:** One record vote was taken today. (Total—124)**Page S2843**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:17 p.m., until 9:30 a.m. on Wednesday, May 10, 2017. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2848.)

## ***Committee Meetings***

*(Committees not listed did not meet)*

### **U.S. DEMOCRACY ASSISTANCE**

*Committee on Appropriations:* Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine United States democracy assistance, after receiving testimony from former Representative James Kolbe, The International Republican Institute, former Representative Vin Weber, The National Endowment for Democracy, Madeline Albright, former Secretary of State, The National Democratic Institute, and Steven Hadley, The United States Institute of Peace, all of Washington, D.C.

### **U.S. CYBER COMMAND**

*Committee on Armed Services:* Committee concluded a hearing to examine United States Cyber Command, after receiving testimony from Admiral Michael S. Rogers, USN, Commander, United States Cyber Command, Director, National Security Agency, Chief, Central Security Services, Department of Defense.

### **NOMINATIONS**

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of David L. Norquist, of Virginia, to be Under Secretary (Comptroller), Robert Daigle, of Virginia, to be Director of Cost Assessment and Program Evaluation, and Elaine McCusker, of Virginia, to be a Principal Deputy Under Secretary, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

### **MARITIME TRANSPORTATION**

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded

a hearing to examine maritime transportation, focusing on opportunities and challenges for the Maritime Administration and Federal Maritime Commission, after receiving testimony from Michael A. Khouri, Acting Chairman, and Rebecca Dye, and Mario Cordero, both a Commissioner, all of the Federal Maritime Commission; Joel Szabat, Executive Director, Maritime Administration, Department of Transportation; and Rear Admiral James Helis, USMS, Superintendent, Merchant Marine Academy.

### **WATER RESOURCES**

*Committee on Environment and Public Works:* Subcommittee on Transportation and Infrastructure concluded a hearing to examine water resources, focusing on the role of the public and private sectors, after receiving testimony from Lieutenant General Todd T. Semonite, Commanding General and Chief of Engineers, Army Corps of Engineers, Department of the Army, Department of Defense; James K. Lyons, Alabama State Port Authority Director and Chief Executive Officer, Mobile; Pete K. Rahn, Maryland Department of Transportation Secretary, Hanover; Rick Goche, Port of Bandon, Bandon, Oregon; and Grant Humphreys, Carlton Landing, Oklahoma.

### **BUSINESS MEETING**

*Committee on Foreign Relations:* Committee ordered favorably reported the nominations of Terry Branstad, of Iowa, to be Ambassador to the People's Republic of China, Tulinabo Salama Mushingi, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Todd Philip Haskell, of Florida, to be Ambassador to the Republic of the Congo, and routine lists in the Foreign Service, all of the Department of State.

### **NOMINATION**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of State, after the nominee, who was introduced by Senator Sullivan, testified and answered questions in his own behalf.

### **INTELLIGENCE**

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet in a Pro Forma session at 2 p.m. on Thursday, May 11, 2017.

## Committee Meetings

No hearings were held.

## Joint Meetings

No joint committee meetings were held.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D503)

H.R. 534, to require the Secretary of State to take such actions as may be necessary for the United States to rejoin the Bureau of International Expositions. Signed on May 8, 2017. (Public Law 115–32)

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## COMMITTEE MEETINGS FOR WEDNESDAY, MAY 10, 2017

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Armed Services:* Subcommittee on Emerging Threats and Capabilities, to receive a closed briefing on United States special operations capabilities to counter Russian influence and unconventional warfare operations in the “Grey Zone”, 10 a.m., SVC–217.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on National Security and International Trade and Finance, to hold hearings to examine secondary sanctions against Chinese institutions, focusing on assessing their utility for constraining North Korea, 10 a.m., SD–538.

*Committee on the Budget:* to hold hearings to examine growth policies for the new Administration, 10:30 a.m., SD–608.

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power, to hold hearings to examine S. 440, to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota, S. 677, to authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, S. 685, to authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the States of Montana and North Dakota, S. 930, to require the Ad-

ministrator of the Western Area Power Administration to establish a pilot project to provide increased transparency for customers, S. 1012, to provide for drought preparedness measures in the State of New Mexico, S. 1029, to amend the Public Utility Regulatory Policies Act of 1978 to exempt certain small hydroelectric power projects that are applying for relicensing under the Federal Power Act from the licensing requirements of that Act, and S. 1030, to require the Federal Energy Regulatory Commission to submit to Congress a report on certain hydropower projects, 2:30 p.m., SD–366.

*Committee on Environment and Public Works:* to hold hearings to examine state views on the need to modernize the Endangered Species Act, 10 a.m., SD–406.

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women’s Issues, to hold hearings to examine emerging external influences in the Western Hemisphere, 10 a.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider S. 934, 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 S. 1028, to provide for the establishment and maintenance of a National Family Caregiving Strategy, 10 a.m., SD–G50.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine cyber threats facing America, focusing on an overview of the cybersecurity threat landscape, 10 a.m., SD–342.

*Committee on Indian Affairs:* business meeting to consider S. 458, to support the education of Indian children, and S. 691, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to be immediately followed by a hearing to examine S. 772, to amend the PROTECT Act to make Indian tribes eligible for AMBER Alert grants, and S. 825, to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, 2:30 p.m., SD–628.

*Committee on the Judiciary:* to hold hearings to examine the nominations of Steven Andrew Engel, of the District of Columbia, and Makan Delrahim, of California, both to be an Assistant Attorney General, and Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States, all of the Department of Justice, 10 a.m., SD–226.

Subcommittee on Crime and Terrorism, to hold hearings to examine law enforcement access to data stored across borders, focusing on facilitating cooperation and protecting rights, 2:30 p.m., SD–226.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine the nomination of Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration, 3 p.m., SR–428A.



*Committee on Veterans' Affairs:* to hold hearings to examine the Veterans Choice Program and the future of care in the community, 2:30 p.m., SR-418.

*Special Committee on Aging:* to hold hearings to examine aging with community, focusing on building connections that last a lifetime, 2:30 p.m., SD-562.

**House**

No hearings are scheduled.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, May 10

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Thursday, May 11

## Senate Chamber

**Program for Wednesday:** Senate will be in a period of morning business.

Senate expects to vote on the motion to proceed to consideration of H.J. Res. 36, Bureau of Land Management Rule Relating to Methane, at approximately 10 a.m.

## House Chamber

**Program for Thursday:** House will meet in a Pro Forma session at 2 p.m.



## Congressional Record

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