

this bill are Republican Senators, veteran Republican Senators, and they better work on their side of the aisle because I am not going to put up with that on the flood insurance bill.

I can be condemned by outside sources. My friends can say: Let him have a vote on it. There will not be a vote on that on flood insurance. We will either do flood insurance with amendments that deal with flood insurance or we will not do it. We will have an extension. After all of the work that has been put into this bill, this is ridiculous, that somebody says: I am not going to let this bill go forward unless I have a vote on when life begins. I am not going to do that, and I think I speak for the majority of Senators.

Now, if the Republicans will not stand up to the person who is going to do that, I am not going to. I have tried my best to deal with these issues that have nothing to do with a piece of legislation, but with the end of the month staring us in the face we have too many important things we have to do. Student loans will be doubled if we do not get that done. Flood insurance will disappear if we do not get it done. The highway program will disappear if we do not get it done. The FDA bill—it will create all kinds of problems, if we do not get that done.

I think this is outlandish. It somebody feels really moved upon to talk about when life begins, have them come and give a speech.

#### RESERVATION OF LEADER TIME

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

#### FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 3187, an Act to amend the Federal Food and Drug and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 2461, to change the enactment date.

Reid amendment No. 2462 (to amendment No. 2461), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions.

Reid amendment No. 2463, to change the enactment date.

Reid amendment No. 2464 (to (the instructions) amendment No. 2463), of a perfecting nature.

Reid amendment No. 2465 (to amendment No. 2464), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the fol-

lowing hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PUTTING AMERICA TO WORK

Mr. MORAN. Mr. President, we have had a lot of news in Washington, DC, and across the country over the last few days. There was a decision from the Supreme Court regarding immigration laws in Arizona. We are expecting and anticipating a decision by the Supreme Court later this week regarding the Affordable Care Act. Front and center are issues that are important to the country.

We were successful last week in approving on the Senate floor a so-called farm bill, an agricultural bill that, again, has an impact upon many in our Nation. I want to make certain we don't lose sight of what remains and, in my view, what should be front and center.

All the things people ask government to do and all the things they want to accomplish in their own lives can only occur if there is a good and growing economy in the United States. So while I certainly would not call any of the other issues we are addressing here a distraction—they are all important—I want to make certain my colleagues understand we have to come together to make certain that Americans, individuals across our country, can access a job, can feel secure in the job they already have, and can have a sense that they have a future where they are employed or that if there is a need for a change in job, that opportunity exists. Job creation is something the Federal Government cannot do in and of itself, but the decisions we make here affect very much whether the private sector can have a level of confidence in the general economy, a regulatory environment, and a Tax Code that is conducive toward the private sector, creating jobs in the United States economy.

This matters, certainly from my point of view as a Member of the Senate, in that with job growth, with a growing economy, we are better able to pay down our national debt. In my view, if we are going to get what I consider the most serious circumstance our country faces today—the deficit and the debt—under control, I don't

foresee how that happens without a good growing economy, putting Americans to work.

Of course, from an individual's point of view, it is important as a component of our lives—something that is important to us, which is that we figure out how to earn a living, put food on the table, save for our kids' education, and save for retirement.

The issues being addressed in the Senate, across the country, and across the street at the U.S. Supreme Court matter so much. We must not and cannot lose sight of the fact that we have to create an environment where jobs are front and center. We know the economic statistics—the unemployment rate is 8.2 percent and has been above 8 percent now for a long time. The Presiding Officer in the Senate this morning and I have introduced legislation the primary function of which is to create an entrepreneurial environment where startup companies can grow and prosper, and, in the process, they can put people to work. It is growth that we need to continue to focus on. I appreciate the opportunity of working in that manner with the Senator from Delaware, Mr. COONS, and others, to see that we do that.

The topic I want to specifically address this morning is this. I was reading the Wall Street Journal last week, and this article caught my attention. I am of the view that for economic growth to occur—and especially in communities across Kansas, the State I represent—we are going to have to have strong and viable community banks. There is a regulatory environment that makes that much more difficult. The headline of the article the Wall Street Journal included that I want to speak about—at least briefly—this morning is this: “Small Banks Put Up ‘For Sale’ Sign.”

The content of the article is very much about how small banks are now selling to other banks. The primary focus of this article is the reason that is happening—“a growing number of tiny community banks are deciding it's time to put out the ‘for sale’ sign . . . many executives of these small lenders are frustrated by costly new regulations.”

It talks about banks in Iowa, in Ohio, in Texas, and it talks about a number of banks in which the bank or the individuals who own the bank never had an intention of selling. This was their livelihood and what they expected to pass on to the next generation, the next set of stockholders. Because of the regulatory environment, the article quotes them talking about how it is no longer any fun. A 66-year-old CEO is quoted as saying:

I don't run a bank anymore. I run around trying to react to regulation and, frankly, that's no fun. This is certainly important for the people who own and run a bank, but it matters in communities in my State that there is access to a local lender, a relatively small financial institution that knows its customers, and that the farmer, rancher, and small business person have the opportunity

to develop a personal relationship with the individuals from whom they are borrowing money.

I know from my own circumstances of growing up and living in rural Kansas the likelihood of being able to get a loan from the community bank, the banker you know, who knows you, your ability, your creditworthiness, and your trustworthiness, is a pretty special relationship we have to be very careful we don't lose. If you are trying to borrow money from somebody you don't know, it is a different circumstance.

I want to highlight again this regulatory environment not just for banks but for all businesses in which the decisions are being made that they are not expanding—in this case, they are selling. The reality is that has consequences to every American and every American family. Job creation is going to be improved whenever we have a regulatory environment that encourages economic growth, not discourages it, and a regulatory environment that is certain. So much, particularly in the financial services industry, with banks and other financial lenders, the uncertainty exists in large part because of the passage of Dodd-Frank, and now its implementation, the uncertainty of whether more regulations are coming and what they are going to say and do, and they certainly can drive up the costs.

We certainly want to protect consumers, and we operate, in many instances, in a regulated environment. But these regulations need common sense and need to take into account the specific circumstances particularly of a small bank. My small banks in Kansas had virtually nothing to do with the financial debacle of 2008. Yet they are burdened with the responsibility of complying with a huge new set of regulations that resulted from the efforts to address the financial crisis of 2008.

In fact, this article, again, points this out regarding the board meeting at this small bank:

The binder of information delivered to the bank's board before the last monthly meeting included 419 pages of information to be reviewed.

Banks more and more are having to put people on the payroll—compliance officers—as compared to those kinds of circumstances in which the bank is making loans. The cost of doing business and the cost of credit increases, and access to credit has diminished, and that is diminishing the chance for job creation.

One of the items under Dodd-Frank was the creation of the Consumer Financial Protection Bureau. This hit me while I was visiting one of my banks in Kansas. They told me the CFPB called and said they were sending 12 examiners and lawyers to come spend more than a month in this small bank, examining the bank. Again, these are banks that had little to do with the financial collapse of 2008. Almost with-

out exception our community banks—certainly in Kansas—didn't make loans to people who were unlikely to repay the loans, and they didn't make loans to people who had no ability to repay the loans or without getting proper documentation and seeking the necessary creditworthiness of that borrower before making that decision. Yet the burden of these regulations falls directly upon them.

And while I guess I am speaking in support of trying to change this for the benefit of the bankers, who this is going to benefit, if we were to change the regulatory environment, is the person who wants to borrow money, who wants to buy an automobile or buy a home or who wants to buy a piece of commercial property. Yet they go to the banks in communities across Kansas and are told that because of the new regulatory environment, this is a loan we cannot make.

The Consumer Financial Protection Bureau, which has 12 examiners and 2 lawyers, is soon to visit a small bank in Kansas and intends to be there for more than a month. The regulations the Consumer Financial Protection Bureau—well, they haven't created their regulations yet. They are auditing a bank before their regulations are in place. My reaction, when the banker told me that, was I need to go back to Washington and see if I can do something, perhaps through the appropriations process. I am the ranking Republican member on the Appropriations subcommittee for financial institutions and financial services. I thought we need to rein in the CFPB through the appropriations process to get them kind of within their sphere of where they belong, in a much more common-sense, less intrusive way.

It occurred to me that I don't have that ability. I can be a member of the Appropriations Committee and a Member of the Senate, and I can be the lead Republican on the subcommittee responsible for financial services, but because of the way the CFPB was created, its money is an automatic draft from the Federal Reserve. We, as Members of the Senate and Congress in general, have no input into the level of funding of an agency that will have a dramatic effect upon the financial institutions of this country and, therefore, the individuals, the consumers those financial institutions serve.

In addition to that, there is only one person who administers the program, who is the administrator of the Consumer Financial Protection Bureau. Unlike the CFTC and the SEC, where there is a commission and a board in which there is a collective decision made, there is only an administrator. I have introduced legislation and we have had this conversation on the floor before. I encourage my colleagues to look at this legislation that would reformulate the way the CFPB is managed and directed and would once again give Congress the opportunity to have input into how the CFPB functions.

I would never try to explain to Americans or to Kansans how great Congress does its job, but I do know the fact we are subject to election—the will of the people of America—every 6 years gives us the opportunity to have the input of the people into the administration and into the regulatory process that is so burdensome now upon so many businesses, including our financial institutions.

So my effort today is to highlight once again what we do in Washington, DC, and in this case particularly what the administration does today—what the Obama administration does today and what administrations have done in the past in regard to regulations—very much has a consequence upon whether Americans are going to live in a country with a growing economy in which there is a sense of security and people know what to expect or whether they are going to live in a country in which a business owner—a small business man or woman in Kansas or across the country—is holding back from hiring employees because they do not know what next is going to come from their own government in regard to regulations which are costly, drive up the cost of being in business, and reduce the chances of expansion in our economy, which reduce the chances that Americans can have good, solid employment opportunities.

I have two daughters graduating from college—one a couple of years ago and one this year—and the job market certainly is important to me as a parent and the ability for a young American to find a job and to pursue that job so they are able to pay back the cost of their education. That is something we need to seriously take into account. While I assume we are going to have a conversation again in the Senate this week on the cost of borrowing money for students and student loan interest rates, we ought not forget the most important thing we can do to help our students once they graduate, which is to make sure the economy is such that employment opportunities are available. It doesn't matter what the interest rate is if they can't find a job.

So we need to make certain we fulfill our responsibilities to the American people to see that the economy and job creation is front and center for the benefit of every American and for the benefit of our country's deficit. It is so important we create a growing economy.

I, again, would highlight how important it is for us to get the regulations under control and particularly criticize the circumstance in which legislation that does not pass Congress somehow takes effect because the executive branch concludes they can do by Executive order or by rule or regulation what we refuse to do. It is time for Congress to reassert its role, and it is time to make certain that in pursuing that role we create an environment in which jobs are front and center and the

American people can all pursue the American dream.

Mr. President, I appreciate the opportunity to address the Senate today, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### IMMIGRATION

Mr. KYL. Mr. President, I didn't hear all the remarks of my colleague from Kansas, but I think what I have to say will follow on directly.

I saw a prominent news magazine, the cover of which had a likeness of President Obama, and the title was "The Imperial Presidency" or "The Imperial President," and the theme of it was this President seems to believe that by Executive order or Executive action he can simply do what he wants to do irrespective of whether the Congress has passed a law authorizing it or has in some other way directed the President to carry out a particular policy.

When the President takes his oath of office to see that the laws of the country are faithfully executed, that is a requirement of his job. Our three-branch government has the legislative branch and the President jointly deciding what the law is to be, when Congress passes the law and the President signs it into law. It then has the President required to execute those laws.

Now, he doesn't do it personally, of course. He does it with the Department of Justice. If it is something related to our national parks, then it would be the Department of the Interior, and so on. But the Department of Justice has a big role to play in this, as does the Department of Homeland Security in respect to immigration laws because the Department of Homeland Security has now taken over all of the immigration functions, and that relates to customs, to issuing visas and, of course, enforcing the laws against illegal immigration as well.

So it is not up to the Secretary of the Department of Homeland Security or the Attorney General or the President to decide whether to enforce a law of the country. That is their responsibility. Then the Supreme Court resolves differences about the meanings of the statutes, their application, and whether they are constitutional.

Earlier this week—yesterday—the Supreme Court determined the constitutionality of a law the State of Arizona had passed to deal with the problem of illegal immigration in my State of Arizona. It is a serious problem there. About half of all the people who cross the border do so in the Tucson sector, and the results of that on Arizona have been devastating over the years: the damage to the environment, creating forest fires; the problem of the people who try to cross the border in the summer and end up dying in the desert because of its very harsh environment; the people who are brought across the border by unscrupulous coyotes, they are called—the smugglers—who then badly mistreat them,

hold them hostage from their families, perhaps in Mexico or Central America and brutally mistreat them in many cases; the problems of crime that law enforcement has to deal with, the hospitalization and medical treatment they are required to receive under the law. All of these things have had a dramatic negative impact on my State.

As a result, the State legislature said: To the extent the Federal Government is not enforcing the law in our State, we will try to help fill that gap in cooperation and coordination with the Federal Government. So they passed S.B. 1070. A key feature of that, which was the cooperation between law enforcement, was upheld by the Supreme Court. But what has been the Obama administration's reaction to that? The Obama administration has reacted by saying: Well, we don't like your ruling and, therefore, we are simply not going to cooperate with the State of Arizona as we have been in the past or any other State that has laws like Arizona, even if you, the Supreme Court, say it is constitutional.

The petulance and the arrogance of this are something the American people have to judge, but from a law enforcement perspective, to me, this suggests the administration is creating some very serious problems. It was one thing for the administration to say, as they did last week, as to the 800,000 or 900,000 students primarily who came here because their parents brought them here illegally, we are going to find a way, in effect, to suspend their deportation so they can go to school or work here; we are just not going to apply the law to them. But it is quite another for it to say: By the way, we are going to treat all the other illegal immigrants here the same way—the 10 million to 12 million people who have been in the United States for a while, those who crossed the border some time ago.

In effect, that is what the administration has said. Even if local law enforcement, such as the Phoenix Police Department, has the right to stop someone they see weaving down the road in the manner of a drunk driver, and they stop that individual and determine they are driving while intoxicated and then ask to see their driver's license; and if the individual cannot produce an Arizona driver's license—which is already a violation of Arizona law today—but if, for example, the individual says: Here is my Matricula card from the Mexican Embassy, that may be reason for the officer to believe that individual is not here legally.

So in addition to driving while intoxicated and not having a valid Arizona driver's license, the police officer, who now has reason to believe that individual may not be an American citizen, ordinarily then would take that individual's name, call it in to a Federal database—I think it is up in Vermont or New Hampshire—and there is verification that either the individual is or is not in the United States

legally. If the person is not here legally and hasn't been convicted or accused of a major crime, they are turned over to Immigration and Customs Enforcement, ICE, which is the part of Homeland Security that is supposed to take these illegal immigrants and decide what to do with them. In most cases, they are simply removed from the United States or deported.

But now the administration is saying we are not going to do that anymore. We don't even want to know whether the individual is an illegal immigrant. We are not going to check, and we are not going to allow you access to the database to check. Up to now, the Phoenix Police Department or the Maricopa County or Cochise County Sheriff could call up the database and say: We have the name of an individual; is this person legal.

The administration is now saying it is not even going to allow Arizona to check. So, Mr. President, this is a condition which cannot be allowed to stand. Where the administration is not enforcing the laws, the Congress is going to have to take what action we need to take to ensure the President enforces the laws, as he is sworn to do.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from North Dakota.

#### ANSWERING ALLEGATIONS

Mr. CONRAD. Mr. President, I rise today to answer allegations made by the Washington Post in a front-page story in yesterday's edition. Here is the story: "High-level Talks, then Changes to Holdings."

First, I want to say I have great respect for the Washington Post. In many ways, the Post is a national treasure. But even great newspapers make mistakes, and in yesterday's story they made assumptions that are simply wrong.

The story said my wife and I shifted savings in her retirement accounts from mutual funds to lower risk money market accounts on August 14, 2007. That is true. They showed we made those changes a day after a call from Treasury Secretary Hank Paulson to me. That is also true. But their suggestion the two are related is absolutely false.

They have made the same error in logic we studied in college. The case and faulty logic involved an observer who noted people were fainting and street pavement was melting. That led the observer to conclude that melting pavement caused people to faint. Of course, that was wrong. It was 106 degrees outside. The proper conclusion was that heat was causing the pavement to melt and people to faint. That error in logic was about causality, and that is precisely the error the Washington Post made in their story with respect to me.

What the Washington Post missed in their graphic—and to be fair to them, they largely had the correct context in the story. If you read the whole story, it was fairly balanced. What was not

balanced was the graphics that accompanied that story.

Let me show the graphic. This is from the Washington Post of yesterday.

Here is a picture of me. Quite a nice picture. I appreciate that. It says:

Senator Conrad, Chairman of the Senate Budget Committee, was in contact with Paulson about the Nation's economy during the crisis.

That is true. They then show a timeline with only two points on the timeline. They show that on August 13 Secretary Paulson called me at 4:30, and they show the next day, August 14, that my wife and I shifted from her retirement accounts money from mutual funds to lower risk money market funds. That is true.

What they have not shown on the timeline is what was happening in the previous days. So let's go back to the Friday before. Here is what happened on the Friday before.

The Dow Jones Industrial Average dropped 200 points within minutes of the opening bell and closed the day down nearly 400 points. That is not on the timeline of the Washington Post. If they were going to be fair—and I don't begrudge them writing the story. I think if I were the editor I would certainly have written the story too. It certainly has appeal. Here are Members of Congress talking to people in influential positions and then changing their holdings. But to be fair, they have to provide the context within which those decisions were made.

The context within which my wife and I made our decisions were pretty clear. The Friday before, the market dropped nearly 400 points.

What the Washington Post also didn't put in their timeline is their headline on that Friday. "Credit Crunch in U.S. Upends Global Markets." In that story the Friday before, they showed in the weeks leading up to our decision to diversify our investments in my wife's retirement account the market had dropped in 2 days more than 500 points, leading up then to the Friday where the markets dropped almost 400 points.

The Washington Post in their story also didn't put on the timeline what the headlines were in their own paper on the weekend leading up to our decision to make these changes.

This is just one of the headlines: "Looking for Footing on Shaky Ground," talking about the turmoil we saw globally. The truth is that what made my wife and me decide over the weekend to shift some of her retirement accounts from mutual funds to less risky money market accounts was what was happening in the markets themselves. That is what led us to make these decisions.

The Paulson call was not about markets. Notes from my staff indicate Secretary Paulson was calling a number of members about the importance of raising the debt ceiling. The Secretary of Treasury was not calling me to give me

stock market tips. He wasn't talking to me about the stock market. He was talking to me about the need for a debt limit increase.

I wish to say clearly and unequivocally, to my friends at the Washington Post and anybody who read the story, the call from Secretary Paulson had nothing—nothing—do with my wife's and my decision over the weekend to shift some of her assets into less risky money market accounts. Those decisions had everything to do with what was happening in the marketplace itself, which was widely reported, even on the pages of the Washington Post. What was happening in the markets was readily available to every investor. We were not shifting my wife's retirement accounts based on some secret inside information.

The Washington Post headline: "Credit Crunch in U.S. Upends Global Markets." The stock market in 2 days, and the weeks leading up, dropped 500 points. On the Friday before the decisions we made over the weekend, the market dropped almost 400 points in 1 day. The Washington Post had a big story showing the Dow Jones industrial average dropped 200 points within minutes of opening and dropped almost 400 points for the day. Why didn't they put that in the timeline if they wanted to be fair? I didn't ask them not to run the story. I asked them to put in the context within which the decisions were made. Be fair.

The fact is there is nothing Mr. Paulson could have said to me about market risk that would have been more persuasive than the drop of almost 400 points in the market the previous Friday. That, along with the 500-point drop that had occurred several weeks before, provided all the motivation my wife and I needed to make a decision to move some of her retirement assets to lower risk investments.

To the Washington Post: I respect you. I have had a very good relationship with you for a long period of time. But your story was unfair to my family, it was unfair to me, and fundamentally it was unfair to your readers because the graphics you supplied with the story failed to provide a full or fair timeline and the full context that led to our decision. In fairness, if you read the whole story, much of the context is there. But the graphics—which, of course, is what most people are drawn to—have none of the context and don't have a timeline that in any way is fair.

Finally, I just wish to say, I am retiring. This is not going to affect me for the future. But the notion that Members of Congress should just stick with whatever investment decisions they made when they began investing or be accused of trading on insider information is, to me, absurd. Our trades should be public knowledge, and they are. How did the Washington Post know about these trades? Because my wife and I reported each and every one of them in our financial disclosure.

So trades of Members should be public—absolutely—and they are. The

Washington Post and others should monitor for evidence of insider trading, and they do. But they should also provide context to their readers so they can fairly judge if any of us have taken action with our investments that are dishonorable. I have not, and that is the truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### PRESCRIPTION DRUG EPIDEMIC

Mr. MANCHIN. Mr. President, since we first began consideration of the FDA bill, I have stood on this floor again and again to highlight the importance of an amendment I offered to this legislation that is very significant to my fellow West Virginians and all Americans.

This amendment would put tighter control on drugs containing a substance known as hydrocodone, a highly addictive prescription painkiller that is destroying communities across this country and leaving families devastated by abuse and addiction.

It was a proud moment for me when the Senate came together across party lines on May 23 and unanimously adopted my amendment to reclassify hydrocodone as a schedule II substance from a schedule III. In practical terms, this means those who are using hydrocodone for illegitimate reasons would have a harder time getting their hands on it.

I cannot tell you how much this amendment means to the people of West Virginia and to every law enforcement group fighting the war on drugs across this Nation who believe very strongly that access to hydrocodone would give them a powerful tool in combating prescription drug abuse. So it pains me to stand here following last night's vote to move forward with the passage of the FDA bill, which did not contain this important amendment. That is because the influence of special interest groups suppressed the voices of the people—not just in the State of West Virginia but in Delaware and all across the country—who are begging us to do something about the prescription drug abuse epidemic.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every year. Prescription drugs are responsible for about 75 percent of all drug-related deaths in the United States and 90 percent in West Virginia. These narcotic painkillers claim the lives of more Americans than heroin and cocaine combined.

But the groups opposed to my amendment have a huge financial stake in keeping these pills as accessible as possible, and I understand that. That is why my amendment was stripped from the FDA bill we advanced last night.

High-powered and well-funded lobbyists may have gotten their victory this time around, but I can assure you I will

not give up this fight. On a daily basis, I am hearing from my constituents in West Virginia and all around this country who are counting on us to do something about the prescription drug epidemic ravaging their communities.

Since I offered this amendment, I have heard from so many West Virginians who have seen a ray of hope because we might be able to do something about this problem. I will not pretend it will solve it completely, but it is sure a good step in the right direction. So I am coming to the floor to share the stories of the people of West Virginia, in the hopes of bringing people together around a solution to this terrible problem.

This is from Sheila from Charleston, who sent me this letter in support of my amendment after losing a close family member:

Please continue to fight the drug companies and pharmacies regarding this issue. Our family in the last two months lost a beloved family member to prescription drug overdose. He was a promising young man that lost his life because of addiction to pain medication.

Our family continues to be devastated, wondering how did this happen. He came from a highly-educated family that was involved in his treatment and cared deeply for him. His family spent \$100,000+ in his recovery, but it was all too easy for him to obtain legal prescriptions.

What truly makes it more painful is he was showing signs of overcoming his five-year battle.

We are not blaming anyone but the system. We know we are each responsible for our own actions. I have thought for years that our health care system is far behind in technology and record keeping for doctor shopping and prescription dispensing. Please understand I am very much opposed to more government in our personal lives, however this is much needed in the medical arena.

Please continue to fight this enormous battle for us.

That letter could have come from our constituents or any Congressman's home district from anywhere in this great country. The fact is I don't know of a person—whether it be in the Senate, our colleagues in Congress or anywhere in America—who hasn't been affected by the abuse of legal prescription drugs used in the wrong way. It touches everyone's life. It is of epidemic proportion.

I have said it before, and I will say it again. I understand that limiting access to illegitimate uses of hydrocodone pills doesn't necessarily fit into the model of selling more product, but there are times when even the best business plan can be altered while staying successful. Certainly, one of those times is when the health of our country and the public good is at stake.

In fact, the Huntington Herald Dispatch, the second largest newspaper in my State, located right on the border between West Virginia and Ohio, describes why this amendment is so important.

Congress is missing out on an opportunity to close the spigot at least partway on the large volumes of commonly abused prescrip-

tion drugs that flood the country and harm so many Americans.

In 2010, the most recent year for which data is available, a study showed there were 28,310 recorded instances of toxic exposures from hydrocodone. The same study showed that 24 million individuals have admitted to abusing hydrocodone drugs for nonmedical purposes—unbelievable.

A different study, put out by the Centers for Disease Control in November, showed that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone. Isn't it worth doing something to get the pills out of the wrong hands?

My amendment may not have gone into this bill yesterday, but it is not going to go away—I think we all know that—and I am determined to see this through to the end.

While the people of West Virginia, Delaware, and elsewhere are disappointed in the outcome of the hydrocodone amendment, I do wish to highlight one measure that was included in the legislation that we are proud of and is important to me and everybody in this body. It would make the sale and distribution of synthetic marijuana and other synthetic substances, known as bath salts, illegal by placing them on the list of schedule I controlled substances under the Controlled Substances Act. These drugs are also taking a terrible toll on all our States, and I was proud to cosponsor this provision with my friend Senator SCHUMER. I want to thank Senator SCHUMER for his leadership in getting this passed.

Finally, I wish to close with one more story from my home State of West Virginia as a way to remind everyone what I am fighting for and why. This letter comes from Rebecca, a woman who started a group called Mothers Against Prescription Drug Abuse as a way to deal with the terrible realities that have accompanied her son's 5-year battle with prescription drug abuse:

Jamie was a great kid growing up. He played basketball, football, and baseball. When he was 14 years old his team won the state tournament and went all the way to Wisconsin to play in Regionals. Jamie was always helping others and had such a kind heart. . .

When Jamie got out of school he married his high school sweetheart and was employed in the mines.

After that he just went downhill. He began abusing prescription drugs. For two years I tried everything to get help for him and tried to get him to stop. Things only got worse. He lost his wife, his home, his truck and then his freedom.

My story is typical to so many families out there who are struggling with loved ones that are addicted. They just want someone to listen. They need to be able to reach out to someone who understands the nightmare that they go through daily, and know that they are not alone. The addict is not the only one who suffers. The family members carry around guilt, sadness, shame, anger, hopelessness, fear, anxiety, etc. . . I could go on and on about how bad this experience has been for me and how it has not stopped.

I will continue to fight prescription drug abuse for as long as I have a breath in my body. I will not give up on my son or anyone else who is addicted. Things need to change within our system. We cannot continue to allow just anyone to have access to prescription pain medicine. Parents need to be educated while their children are still at home. Communities need to be aware of crimes (drug dealers) and report them. Doctors need to stop prescribing pain pills to people on the street, and they need to be held accountable.

What happened to our medical ethics when people who need pain medicine for a while are given strong addictive pain medicine, only to have to keep coming back to the doctor over and over again for refills? Is it greed that is behind the beginning of this growing epidemic? Doctors definitely profit from the addict's return visits, as well as the pharmaceutical companies that make the medicine. We know there is a problem but what are people going to do about it? I am doing what I can, but is it enough? Will you help?

For Rebecca and all the other mothers, fathers, sisters, and brothers out there who are pleading for help, we owe it to them to get this amendment agreed to.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, the time until noon will be equally divided in the usual form.

Mr. LEAHY. Mr. President, the Republican efforts to shutdown Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their talk of shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.