

ready, willing, and able to do our best to protect the American people from any more harm caused by the President's flawed law. That is why we have been working hard for the last several months to provide the American people with a much needed off-ramp from ObamaCare, should the Court rule against the administration once again. But we really need to hit the reset button and start over again.

First and foremost, we are prepared to help the more than 6 million Americans, including nearly 1 million people in my home State of Texas, whose costs would suddenly skyrocket as yet another consequence of this disastrous piece of legislation. In doing so, we will empower the States to opt out of ObamaCare, allowing them the flexibility to more effectively lower costs and increase choices.

We will not promote command-and-control solutions emanating from here in Washington, under the philosophy that Washington knows best. We will promote market-based options without the threat of harmful, onerous, expensive mandates. Repealing these mandates will help the American people finally get the coverage they need at a price they can afford.

In short, we will do everything in our power to protect the people affected by this flawed piece of legislation, but we will not protect the President's failed law. It is time to scrap it and do better. It is my hope, if the Court rules against the administration once again, that Congress will find it within themselves to work together to protect the almost 1 million Texans and millions more Americans from yet another painful consequence of ObamaCare. I know Republicans stand ready to protect the American people from this failed law while providing a path forward for better health care for our country. That health care includes more freedom, more flexibility, and more choices.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRAGEDY IN CHARLESTON, SOUTH CAROLINA

Mr. SANDERS. Madam President, I wish to take this opportunity to send my condolences to the families of those who were murdered in Charleston, SC, on Wednesday evening and to the entire city of Charleston.

It is hard to understand how someone could walk into a church, be welcomed into a prayer meeting, and then take out a gun and slaughter nine people who were in the process of discussing the Bible. That is hard to believe, but that is what happened.

In the last 60 years, this country has made significant progress in civil rights and in trying to become a less discriminatory society. Sixty years ago, parts of our country were part of an apartheid-type system, segregated housing, segregated schools, segregated restaurants, segregated transportation, segregated water fountains, and, in fact, an entirely segregated way of life. Perhaps most significantly, African Americans in a number of Southern States were denied the basic right to vote and were unable to participate in the democratic process.

Today, as a nation, we have a right to be proud of the significant changes that have taken place in our country over the last 60 years and the many advances that have been made in civil rights and in the creation of a less discriminatory society.

We should be proud that in 2008, this country surprised the world by overcoming our racist history and electing our first African-American President and then reelecting him 4 years later with a strong majority. You may like Barrack Obama, and I do, or you may dislike Barrack Obama, and many Americans have that view, but it is no small thing that this country was able to judge a candidate by his ideas and character and not the color of his skin. But clearly, while we have made significant progress, the events of last week remind us how far we yet have to go in order to create a nonracist society.

I am not the Governor of South Carolina, I am not in the South Carolina legislature, and I do not live in South Carolina, but I do believe the time is long overdue for the people of South Carolina to remove the Confederate flag from the statehouse grounds in Columbia. That flag is a relic of our Nation's stained racial history. It should come down. If any good can come of the terrible tragedy in Charleston, it is that the people of South Carolina now have the opportunity to finally turn a page on our past. Frankly, the Confederate flag does not belong on statehouse grounds, it belongs in a museum.

I wish to also express my deep concern about the growth of extremist groups in this country, groups that are motivated by hatred—by hatred of African Americans, by hatred of immigrants, by hatred of Jews, by hatred of Muslims, and anyone else who is not exactly like them. According to the Southern Poverty Law Center, sadly, there are some 784 active hate groups in the United States and the number of those groups is growing. Let me express my agreement with NAACP President Cornell Williams Brooks that “we need vigorous prosecution and vigorous investigation of these hate groups and the resources to do so.” I call upon the FBI to do just that.

About 50 years ago, as a student at the University of Chicago, I was arrested in a civil rights demonstration to end segregated schools. I was also involved in helping to end segregated

housing in Chicago. It is clear to me that over that period of time this Nation has come a very long way, but it is also clear to me—and I think to the majority of our people—that we still have a long way to go.

I will conclude by reminding my fellow Americans about those great words that appeared in the Declaration of Independence, that moment in history when the Colonies broke off from the British: “We hold these truths to be self-evident, that all men”—and we would add women—“are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” That is the dream of America, that is our vision, and that is a goal we must obtain. The tragedy in Charleston reminds us how far we yet have to go.

I thank the Presiding Officer, and 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.

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

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

#### SALTS ACT

Ms. KLOBUCHAR. Madam President, I come to the floor today to speak about a major problem across my State—the Presiding Officer has seen it in Iowa—and across the country, and that is the scourge of synthetic drugs.

We have all seen reports of people who have hurt themselves or others or who have died under the influence of dangerous drugs. This issue hit home in my State after Trevor Robinson, a 19-year-old from Blaine, MN, died after overdosing on a drug called 2C-E in 2010. I introduced a bill to outlaw 2C-E and other similar substances, and with the help of Senator GRASSLEY, as well as Senator SCHUMER, we were able to get that bill signed into law. But there is so much more that needs to be done, as we have learned since we passed that bill.

Here is one recent example. Law enforcement officials in Florida and throughout the country are dealing with a synthetic drug called Flakka. This extremely dangerous drug has been linked to hallucinations and other bizarre behavior. We are always trying to stay one step ahead of these new and dangerous compounds because the way the law works now, we have to keep adding new compounds. So what happens is that the crooks who are manufacturing these drugs—the drug leaders, the people who are running these drug rings—are actually just changing the compounds up so they are different, and they are staying one step ahead of the law in that way.

Before I was elected to the Senate, I spent 8 years serving as chief prosecutor in Minnesota's largest county.

Drug cases made up about one-third of our caseload, and I had an opportunity to see firsthand the devastating impacts of drug addiction.

Recent statistics have shown that almost half of all high school students have used addictive substances, and synthetic drugs are a growing problem in Minnesota and across the country. A recent survey of 15,000 Minnesota high school students found that 26 percent have used illegal drugs, and of that group, 12 percent have used synthetic drugs.

The problem with synthetic drugs, which we have realized as I have done events with law enforcement in places such as Fargo and in places such as the suburbs of Minneapolis, is that many times people who buy these synthetic drugs get much worse drugs than the actual substance. They get much harder-core drugs, much more difficult drugs—drugs that cause them to hallucinate and drugs that cause them to either kill themselves or to hurt others. That is why I have reintroduced bipartisan legislation with Senators GRAHAM, FEINSTEIN, and GRASSLEY that would make it easier to prosecute the sale and distribution of new synthetic drugs that are analogues—or substantially similar to current illegal drugs.

What we are looking at is the fact that the people who sell these drugs or manufacture them just keep changing a compound here or there so they can skirt the law. What we are trying to do with this bill is to make it easier to prosecute the new drugs that are substantially similar. The Supreme Court actually very recently issued a decision in *McFadden* focused on the mens rea standard in analogue drug cases.

My bill, the Synthetic Abuse and Labeling of Toxic Substances or SALTS Act is focused instead on the underlying factors for what makes something an analogue drug. Why do we need this new legislation? Because expert chemists are able to slightly alter the chemical makeup of synthetic drugs so they are no longer on the list of banned substances. To address this, current law provides the DEA with the mechanism to prosecute the sale and distribution of drugs that are analogues—analogue—that are substantially similar to controlled substances. However, the law specifically says that an analogue drug does not include any substance “not intended for human consumption.” This can be a big problem because synthetic drugs often are explicitly marked as “not intended for human consumption.” But manufacturers, distributors, sellers, and abusers of these substances all know exactly what to do with them—ingest them or snort them to get a dangerous and many times unpredictable high.

The SALTS Act amends the Controlled Substances Act to allow consideration of a number of factors when determining whether a controlled substance analogue was intended for human consumption, including looking at the marketing, advertising, and la-

beling of a substance and its known use. That is a much more honest way to look at what is actual consumption. You don’t just look at the fact that there is a label on it that says it because that is what the drug dealers do to protect themselves. Instead what you do is you look at what is actually going on here. You look at the marketing, advertising, and the labeling of a substance and its known use.

The bill also says the existence of some pieces of evidence that a substance was not marketed, advertised or labeled for human consumption should not stop prosecutors from being able to establish, based on all the evidence—the totality of the evidence—that the substance was, in fact, intended for human consumption.

New synthetic drugs constantly come onto the market. We need to give our law enforcement agencies the tools they need to combat them. This legislation will make it easier for prosecutors to demonstrate that a given synthetic drug is, in fact, intended for human consumption. We know that it is going on. We know that is why these guys are selling it over the Internet. They are trying to get around the law. They have actually been quite successful, causing many deaths, many people hurt, many people addicted.

So all this does is get to the facts. Is this really being used for human consumption or not? This legislation is going to make it easier for prosecutors to demonstrate with the totality of circumstances and not just the label that says it is not intended for human consumption—but looking at how it is sold, what it is used for, to make it easier to meet that standard. That is the only way we are going to go after these guys who are constantly changing the compounds to get around the law.

I would also like to take this opportunity to acknowledge the efforts, since we are talking about synthetic drugs, of the outgoing Administrator of the Drug Enforcement Administration, my fellow Minnesotan, Michelle Leonhart. Administrator Leonhart has had a long career in law enforcement, serving with the DEA since 1980 and as Administrator since 2010. She started her career back in Minnesota and has served in the DEA since, for a very long time, over 30 years.

I would especially like to thank the Administrator for her work on the prescription drug take-back issue. During her tenure, the DEA has coordinated a series of national events that have collected over 2,400 tons of unused prescription drugs—2,400 tons. That is, by the way, why we worked with the Administrator—Senator CORNYN and I—to develop legislation which passed to make it easier for take-out programs, to do them more routinely, but meanwhile 2,400 tons were collected. These events are critical in preventing drug abuse and overdoses and getting old medicines out of the cabinet where people who are not prescribed them

sometimes take them. I want to thank Administrator Leonhart for her law enforcement career.

Thank you, Madam President.

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. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF PETER V. NEFFENGER TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY

NOMINATION OF DANIEL R. ELLIOTT III TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD

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

The senior assistant legislative clerk read the nominations of Peter V. Neffenger, of Ohio, to be an Assistant Secretary of Homeland Security; and Daniel R. Elliott III, of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2018.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate, equally divided in the usual form.

The Senator from Delaware.

Mr. CARPER. Madam President, I am delighted to serve on at least one committee with the Presiding Officer, and we have had the opportunity of late to have a number of folks come before us who have been nominated to serve. One of those is Coast Guard VADM Peter Neffenger, and I am delighted today to rise in strong support of Admiral Neffenger to serve as the Administrator of the Transportation Security Administration, affectionately known as TSA.

The women and men of TSA work in a very challenging environment to keep our aviation system and those of us who use it safe and secure. The mission is made all the more challenging by the two difficult and diametrically opposed tasks that we ask them to perform. On the one hand, we ask the TSA to screen some 1.8 million passengers and their luggage every day, 24 hours a day, 365 days a year, without allowing