

a whole host of—emphysema. OK. Maybe not every single individual, but a huge number of folks who become addicted in their youth will suffer substantial health consequences. Even those who don't have cancer or full-blown emphysema will experience other health impacts that make them a less healthy individual and compromise their quality of life.

Again, I thank my colleagues so much for coming to the floor to accentuate this message that we have waited far too long for the regulations to get done to take on this industry and that we are demanding that when the regulation is published—and hopefully that will be very soon, as in days or weeks—that will be a regulation that is written in a forceful, comprehensive fashion, that will not have a grandfather clause that excludes existing products from regulation, and it will not fail to address this powerful instrument being used to target our children, which are fruit and candy flavors.

We ask, now that the Food and Drug Administration has forwarded this decision to the Office of Management and Budget for final decisionmaking, that OMB come out quickly, forcefully, and strongly to address this tremendous blight on our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### NOMINATIONS

Mr. CARDIN. Mr. President, I take this time as the ranking Democrat on the Senate Foreign Relations Committee to bring to my colleagues' attention a very disturbing trend that is taking place on us carrying out our constitutional responsibilities. It is up to the Senate, and only the Senate, to confirm—advise and consent—appointments by the President of the United States that require the confirmation of the Senate.

I think the Senate Foreign Relations Committee, which I am honored to serve on and act as the ranking Democrat, has acted in a very responsible manner in scheduling hearings and taking action on the nominations that have been submitted by President Obama. I thank Senator CORKER. He has scheduled these hearings in a very timely way and scheduled markups in our committee so we can make our recommendations to the full Senate. That is not true of the Senate as a body. There are currently 16—16—highly qualified nominees who have been recommended for Senate confirmation, none of whom are controversial, who are awaiting action on the floor of the Senate. Some of these nominees have been waiting as long as 10 months, almost a year for action by the Senate. Let me repeat this: Not one of these nominees is being held up because of challenges to his or her qualifications to assume the responsibilities of the position for which that person has been nominated. In each of these cases they

have cleared the committee hurdle by unanimous or near unanimous votes in the Senate Foreign Relations Committee.

So why have we not taken up those nominees for confirmation votes on the floor of the Senate? They are not controversial. They are qualified for the position. The reason is that in each case a Senator has placed a hold on the consideration of that nominee. What does a hold mean? It means a Senator has let their respective caucus know they will not consent to the nomination coming before the Senate either as a unanimous consent request or for a vote on the floor of the Senate. That has been the prerogative of Members of the Senate. They can do that. The way you overcome that is either the Senator eliminates the hold—in these cases each one of the holds have nothing to do with the qualifications of the individual for this position—or the majority leader, Senator MCCONNELL, brings forward the nomination, if necessary uses a cloture motion in order to get this issue resolved. After all, one Senator should not be able to stop a nomination on the floor of the Senate so we cannot carry out our responsibilities of advice and consent.

Senator MCCONNELL has been unwilling to do that. I understand the challenges of floor time. I fully do. Ten months some of these nominees have been waiting. These are critical missions for our Foreign Service. The reasons these individuals are being held—let me just give you an example—is because of a Member being upset with the Obama administration for taking the Iran agreement to the United Nations for a vote before action in the Senate—having nothing to do with the nominee we are talking about—or concerns about Secretary Clinton or concerns about the Secret Service but not related to the person who was nominated for the position we are talking about. That is just wrong. We have the constitutional responsibility to advise and consent on Presidential appointments.

Let me give some examples that fall into this category of the 16 nominees who are currently waiting for Senate confirmation.

We have the Secretary of State for Conflict and Stabilization Operations. The person who has been nominated for that is Ambassador David Robinson, a career diplomat with 30 years of public service. He has been the Principal Deputy High Representative in Bosnia-Herzegovina, one of the most difficult conflict areas in modern times. He has served both Democratic and Republican administrations. He is a career diplomat.

The position we are talking about focuses on prevention and response to mass atrocities and countering violent extremism and election-related violence. I would think that is a high priority for this Senate, to make sure the United States has all hands on deck to deal with these types of international challenges.

Ambassador Robinson has served far and wide under dangerous and demanding circumstances. He was the Assistant Chief of Mission at the U.S. Embassy in Kabul, Afghanistan. He served as the Principal Assistant Deputy Secretary for Population, Refugees, and Migration. He served as U.S. Ambassador to Guyana from 2006 to 2008 and as Deputy Chief of Mission at the U.S. Embassy in Georgetown, Guyana, from 2003 to 2006. He also served as the Deputy Chief of Mission at the U.S. Embassy in Paraguay from 2000 to 2003.

He is a highly qualified individual who has shown a clear dedication and commitment to serving his country. He has been waiting almost 7 months for the Senate to act on his nomination.

I wish to cite another example, the State Department's Legal Adviser, Brian Egan. He has served both Republican and Democratic administrations. This a critical mission, the Legal Adviser. Just today, in a hearing before the Senate Foreign Relations Committee, we had General Allen, and a discussion ensued as to the legal authority we have in regard to some of our activities. It would be good to have a confirmed legal adviser so we can get those types of answers.

Like Ambassador Robinson, Mr. Egan has served in both Democratic and Republican administrations. He began his career as a government lawyer in 2005, as a civil servant in the Office of the Legal Adviser of the State Department, which was headed at the time by Secretary of State Condoleezza Rice. He has worked in the private sector. He served as Assistant General Counsel for Enforcement and Intelligence at the Treasury Department. He served on the National Security Council staff. He is a nonpartisan and fair-minded individual who clearly has the skills and the ability to lead the Office of Legal Adviser at the State Department. He has been waiting 9 months for confirmation—9 months. He is a person who has devoted his career to public service.

That is no way to treat people who want to give their service to this country in an important role. We need to carry out our responsibility.

At the USAID, the Administrator position has not been confirmed. The USAID Assistant Administrator for Europe and Eurasia has not been confirmed. The inspector general of USAID has not been confirmed. These appointments have been in the Senate for some time.

I have listened to my colleagues on both sides of the aisle talk about the refugee crisis. We are approaching the number of people who are dislocated in this world similar to what we had at the end of World War II. The principal agency that deals with this crisis in the United States is the USAID. We know we have conflict areas all over the world, and we have heard over and over again that the way we deal with this—one of our major tools—is through development assistance. We need confirmed, top management at

this agency. The Senate has an obligation to act.

None of these nominees are non-controversial. I want to repeat that. They are not being held by a Senator because of anything to do with their qualifications for the position for which they have been nominated. There have been unrelated issues for a long period of time compromising the critical missions of these agencies.

Just as tragically, there are 20 innocent USAID Foreign Service officers who have been held up. These 20 USAID Foreign Service officers are not nominated for Ambassador positions or Assistant Secretary position; these are folks who were plucked from a list of 181 promotions that must be confirmed by the full Senate for the promotions to take effect. In other words, their promotions have not taken effect because of an individual held by a Senator for reasons unrelated to their performance in office—career diplomats, civil service. These are civil servants who are working hard day in and day out serving their country in both Democratic and Republican administrations. They are not involved in the politics of the Senate, and yet they are the casualties of these politics.

These individuals are called upon to serve in challenging and sometimes very dangerous places. We are talking about a Supervisory Program Officer in Cambodia, the Deputy Director for East Africa Operations in Kenya, the Director of the Democracy and Governance Office in Rwanda, a Senior Advisor for Civilian-Military Cooperation, a Resident Legal Officer for the Resident Mission in Asia, an Education Officer in Honduras, a Regional Legal Advisor in El Salvador, a Deputy Controller for Financial Management in El Salvador, a Regional Food for Peace Officer in Ethiopia, a Regional Legal Advisor in Egypt, a Deputy Education and Youth Office Director in Kenya, the Director of the Food for Peace Program in South Sudan, the Democracy and Governance Director in El Salvador, the Economic Growth Team Leader in Zambia, the Economic Growth Office Director in Ukraine, and a Controller for Financial Management in Rwanda.

I went through that list because I think everyone would acknowledge that these are people who are serving in very dangerous places.

As I mentioned, we had a hearing in the Senate Foreign Relations Committee with General Allen, who is doing incredible public service for our representative in the Middle East. He said he wanted to thank the Senate Foreign Relations Committee for the attention we have given to our diplomats.

Often on the floor of the Senate you hear glowing thanks—and I join in that—to the men and women who have worn the uniform of our Nation to defend our freedom. Well, our thanks go equally to our Foreign Service officers who serve in very dangerous positions in order to advance the U.S. principles

of democracy and human rights. We know about the casualties we have suffered in that regard. These individuals are entitled to their promotions, and it requires our action. To hold up their promotions for reasons unrelated to their job performance is just plain irresponsible, and we need to take up these nominees.

There are ambassadorships that have been open for way too long. I could mention many of the ambassadorships, but I will just mention two—Sweden and Trinidad and Tobago.

Sweden, of course, is a strategic ally and an Arctic Council member. Azita Raji has been nominated. She is a businesswoman who has been the vice president of J.P. Morgan Securities. She brings her unique expertise from the business sector to help one of our critical Ambassador positions. Again, she is a noncontroversial nominee who has been held up 10 months. Sweden is a critical partner for the United States.

In Trinidad and Tobago, John Estrada has been waiting 180 days for his confirmation. Trinidad is a critical place for the United States as far as drug-smuggling activities that bring drugs into the United States. We need a confirmed Ambassador to lead that fight against drug smuggling into the United States. Again, he is being held up for reasons unrelated to his own qualifications.

I could go through all the 16 nominees. I think I have made my point. My point is that I think the public would be surprised to learn that one Senator could block a nomination of a President, and that is used many times unrelated to the qualifications of that individual for the position for which he or she has been nominated. It has happened in the Senate numerous times, as I have just pointed out.

I think it is the responsibility of the Senate to say enough is enough. It is time for us to act on these nominees so they can continue their public service in a confirmed position to help us in our war against drugs, to help us in our international diplomacy, to help us in development assistance in order to resolve conflicts, and to provide the very best legal advice to make sure that what we are doing is consistent with our Constitution.

To do the services of the people for the people of this country, we have to do our service in the Senate, and that is to take up and vote on the President's nominees to these critical foreign policy positions.

I urge my colleagues to allow us to bring these nominees up for a vote so we can carry out our responsibility and so these people can carry out their critically important missions to the security interests of the United States.

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

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

#### COMMERCIAL SPACE BILL

Mr. NELSON. Mr. President, it looks like there has been a resolution between the House and Senate on a commercial space bill which includes an update. This goes way back 31 years ago. When this Senator was a young Congressman, I actually participated in and sponsored the first Commercial Space Act. Very few people could have envisioned what would happen 30 years later with this legislation, for indeed commercial companies are delivering launch services not only to commercial customers, such as all of our satellites, GPS systems, and some communication satellites, but also government payloads for the U.S. Government, obviously Air Force payloads, and various other intel satellites and satellites for foreign countries.

Our American space launchers are putting these satellites up into space, and of course it has revolutionized our daily life. How many among us are so accustomed to using this device to look up the location of an address? How do you think that is happening? It is happening because we have hundreds of satellites up there in the GPS system—scores of satellites—that give you precise locations of any point on the globe where one might want to visit. These devices have gotten so sophisticated that they talk to you and say: Go 600 feet and turn right on such and such street and then turn left. It is just amazing. This doesn't just happen. It happens because of our space industry and in particular our commercial space industry.

Since this Senator, as a young Congressman, got into this in the beginning, which was about 31 years ago, we have had to update this legislation. A lot of things have happened, and now there are very significant things that are happening. For the past decade, we have had a national laboratory in space, which is one component of what is happening, and it is known as the International Space Station. There are six human beings up there. There is an international crew, which includes American astronauts, and one of them, by the way, has now completed 6 months of a 1-year stay so we can study the effects on the human body after a long duration in space. That will help us so we can be ready to go to Mars with human beings in the decade of the 2030s.

There are other activities on the space station that are commercial activities. There are all kinds of pharmaceutical experiments that are going on. As a matter of fact, there are drug trials right now, and the FDA, having used the properties of zero G on the International Space Station, is developing vaccines for salmonella and