

NATIONAL FRATERNAL ORDER  
OF POLICE,

Washington, DC, February 29, 2016.

Hon. JEANNE SHAHEEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SHAHEEN: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for your bill S. 2423, the "Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act." This legislation will make available \$210 million to help law enforcement fight the heroin and opioid epidemic that is destroying our communities.

This bill will help our State and local law enforcement officers by giving them the necessary funding and tools to battle their communities' heroin and opioid problems. This funding will be used for expenses relating to drug treatment and enforcement programs, law enforcement programing, and drug addiction prevention and education programs. Something needs to be done and Congress is correct to provide law enforcement with the resources we need to combat this epidemic.

On behalf of more than 330,000 members of the Fraternal Order of Police, I thank you for your continued leadership and support of law enforcement. I look forward to working with you and your staff to get this bill through Congress to put an end to the heroin and opioid epidemic. If I can be of any additional assistance, please do not hesitate to contact me or my Executive Director Jim Pasco at my Washington office.

Sincerely,

CHUCK CANTERBURY,  
National President.

Mrs. SHAHEEN. We have also received support from groups such as the American Academy of Pain Management; the American Public Health Association; the American Society of Addiction Medicine; the Association of Women's Health, Obstetric and Neonatal Nurses; the Partnership for Drug-Free Kids; the American College of Physicians; and the National Association of State Alcohol and Drug Abuse Directors.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of groups.

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

EMERGENCY SUPPLEMENTAL FOR HEROIN AND  
OPIOID ABUSE SUPPORTING ORGANIZATIONS

Fraternal Order of Police, American Academy of Pain Management, American College of Physicians, American College of Sports Medicine, American Osteopathic Association, American Public Health Association, American Society of Addiction Medicine, Association of Women's Health, Obstetric and Neonatal Nurses, College on Problems of Drug Dependence, Community Anti-Drug Coalitions of America.

Connecticut Certification Board, Friends of NIDA, IC & RC, Illinois Alcoholism and Drug Dependence Association, California Consortium of Addiction Programs and Professionals, National Association of State Alcohol and Drug Abuse Directors, Partnership for Drug-Free Kids, Physician Assistant Education Association, SAI, Trust for America's Health.

NATIONAL GOVERNOR'S ASSOCIATION  
STATEMENT

Provide emergency supplemental funding to help states and communities turn the tide on the opioid epidemic. Governors applaud the introduction of legislation that would

provide emergency assistance to states working on the front lines of the opioid crisis. Congress has provided billions in emergency aid to address natural disasters, security threats and other crises, including more than \$5 billion last year to combat Ebola at home and abroad. A similar investment is needed to help states mount an effective response to opioid addiction, from increasing prevention and education regarding the dangers of illicit drugs to strengthening state prescription drug monitoring programs (PDMPs), expanding access to addiction treatment and enhancing support for law enforcement.

Mrs. SHAHEEN. The question is, Why do we need emergency funding? Some of my colleagues have argued that additional funds are not needed because there was enough money for the opioid crisis in last year's omnibus. Yes, it is true there is additional funding for these programs in the omnibus. I sit on the Appropriations Committee; I was one of many on that committee who worked very hard to fight for those dollars. But with spending caps in place, these increases are modest at best.

The majority of my supplemental amendment appropriates resources to two programs: the substance abuse prevention and treatment block grant and the Byrne JAG Program. These programs have been critically underfunded in recent years. For example, the substance abuse prevention and treatment block grant received a small increase in the omnibus. That was good, but the reality is that over the last 10 years, funding for this program has not kept up with health care inflation. So we have a 26-percent decrease in the real value of funding despite the small increase we got in the appropriations process. In order to restore the block grant to its purchasing power from 10 years ago—10 years ago, before we had the explosion of the opioid and heroin crisis—just to get back to that level, Congress would need to allocate an additional \$483 million for fiscal year 2017. My amendment provides \$300 million for this program. It is a downpayment—only a downpayment—on where we need to be. The Byrne JAG Program has been flat-funded for the last 3 years.

Fifteen years ago—again, before the explosion of the heroin and opioid crisis—Congress provided more than \$1 billion in support to State and local law enforcement through Byrne JAG and block grant funding. By 2015 that number had been reduced to \$376 million. Right now, despite the explosion in this heroin and opioid crisis, we are providing only about one-third of the support we provided 15 years ago.

The reality is that criminal justice and prevention and treatment have been chronically underfunded and, as a result, deaths have continued to rise.

The PRESIDING OFFICER. The Senator has consumed 27 minutes.

Mrs. SHAHEEN. Thank you, Mr. President. I should be finished shortly.

We have talked to the Department of Justice and to Health and Human Serv-

ices, and they are ready to get this funding out the door immediately because there is no time to wait. Law enforcement and health care providers on the frontlines need this money, and they need this money now.

In the past, Congress has risen to the challenge of epidemics. In 2009, Congress appropriated nearly \$2 billion in emergency funding to fight swine flu, which claimed the lives of about 12,000 Americans. That emergency appropriations bill passed the Senate 86 to 3. Mr. President, 51 Senators who voted for that bill are still serving in this Chamber, including 23 Republican Senators and every Member of the Republican leadership. Last year, Congress approved \$5.4 billion in funding to combat the Ebola outbreak in West Africa, an outbreak that killed only one American. Surely we can come together now, this year, in this session, to fight a raging epidemic here at home. We cannot avert our eyes from 47,000 Americans who are being killed by lethal overdoses each year. We cannot accept that 9 out of 10 Americans with substance abuse disorders go without treatment. We cannot avoid the fact that law enforcement officers in communities across this country are overwhelmed by aggressive drug traffickers and a rising tide of opioid-related crimes.

CARA will help fight the heroin and opioid epidemic in the longer term, but I urge my colleagues to also support this emergency supplemental funding amendment because it will provide urgent emergency funding to ramp up this fight in the months immediately ahead. This is a nationwide crisis, and it is time we mobilize a nationwide response that is equal to the challenge.

I urge my colleagues, I urge the majority leader to allow a vote on my amendment and to pass this out so we can give our local communities and States the resources they need.

I yield the floor.

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

The bill clerk proceeded to call the roll.

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

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

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

RECESS

There being no objection, the Senate, at 12:23 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

COMPREHENSIVE ADDICTION AND  
RECOVERY ACT OF 2015—MOTION  
TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, you know more than just about anybody else here

that across the Nation there has been a dramatic increase in the incidence of opioid addiction, which is now at the point of being a full-blown crisis.

In my home State of North Carolina, we have seen this devastation firsthand, with 1,358 overdose deaths in 2014 alone fueled by the combination of abuse of opioid-based prescription painkillers and heroin. To put that figure into context, that is more than the number of North Carolinians who lost their lives in automobile accidents in 2014.

For far too long the conventional thinking was that drug addiction deserved the stigma it receives: a choice made by criminals who were intent on destroying the lives of themselves and others. It was a dark and painful embarrassment for their families. It is long overdue for us to come to grips with reality because we know the truth: Drug addiction doesn't discriminate based on one's gender, race, or socioeconomic status. Successful CEOs of major companies have succumbed to addiction. Straight-A students and valedictorians with once bright futures ahead of them have succumbed to addiction. PTA moms and dads, who were pillars of their communities, have succumbed to addiction. We know it because we have seen it in our inner cities, our suburbs, and our tight-knit rural areas.

Two weeks ago I picked up my hometown newspaper, the Charlotte Observer. On the front page was a report that highlighted the rising prescription overdose epidemic. It started off with a terrifying story of a North Carolina mother that encapsulates the kind of crisis we are dealing with.

The story began:

The Charlotte woman didn't know her daughter was a drug addict until she heard a thud upstairs.

Her daughter, a bright Myers Park High graduate, had returned from college for the weekend with a sack of dirty laundry. Her mother was folding clothes in the den when she heard the fall of her daughter's unconscious body.

She sprinted upstairs. "She's unconscious on the floor, blue, not breathing. No heartbeat," said the mother.

That is what the mother saw on the floor of her daughter's bedroom. Fortunately, in this case, the young woman survived the painkiller overdose. With the support of a loving family, she has an opportunity to get her life back on track and seize the chance to reach her full potential. But let's not kid ourselves. This near tragedy could have happened anywhere in America, and any parent could have experienced it.

It is important to reflect on how it got to this point, though. In 2012 the CDC completed a report that said that in North Carolina, there were 97 painkiller prescriptions written per 100 people. So what does that mean? It doesn't mean 97 percent of the people in North Carolina are getting painkillers; it means there is a group of people who are getting dozens and dozens, sometimes hundreds of prescriptions for

opioids. In part, this is a result of a greater awareness of the importance of pain management. And many people do need pain medication, but the wider availability of these life-improving and lifesaving surgeries and treatments has actually contributed to the epidemic.

The medical community rightly recognized that managing patient pain was the compassionate thing to do and started holding providers accountable for doing so. However, the risk of the wider availability of these powerful medicines must be urgently and rigorously addressed. That is because for Americans from all walks of life, the nightmare of addiction begins with something as unassuming as a routine prescription for a painkiller such as OxyContin or Percocet. Due to the highly addictive nature of these drugs, a patient's body can become dependent and they experience debilitating withdrawal. Once the prescription runs out, the physical addiction unfortunately influences people to make really bad decisions that can be life-changing—seeking more pills on the black market when their doctor says "no more" or turning to cheaper or even more deadly opioid drugs, such as heroin.

Opioid addiction is a slippery slope, and it is a deadly slope. The CDC has concluded that people are 40 times more likely to be addicted to heroin if they are addicted to prescription painkillers.

Our country desperately needs coordination from Federal, State, and local law enforcement officials to develop comprehensive strategies to combat heroin trafficking and to prevent prescription drug diversion. Federal dollars and resources come with so much redtape and so many mandates that State and local experts cannot use funding for different initiatives, and that is what the CARA bill seeks to address. For example, there simply are not enough treatment slots for mothers with children, and there isn't enough assistance provided to pharmacists and doctors to teach them how to best manage their prescriptions and help the people with the highest risk of addiction.

It has been heartening to see Members of Congress set aside their partisan differences in order to take immediate action to address the current shortcomings. I am proud to be a co-sponsor of the Comprehensive Addiction and Recovery Act, which is the bipartisan legislation that brings together the experiences and recommendations of drug addiction experts, law enforcement, health care providers, first responders, and the patient community most affected by the opioid epidemic.

The legislation expands abuse prevention and education initiatives. It provides grants to substance abuse agencies, local governments, and non-profit organizations in North Carolina and the rest of the Nation that are being hit hardest by the heroin and painkiller epidemic.

Local first responders will receive help through expanded availability of naloxone, a powerful antidote that is used to prevent overdose deaths. It has had amazing impacts on saving the lives of people, such as the young lady I talked about earlier.

The legislation also addresses the strain the addiction crisis places on our criminal justice system by providing more resources to identify and treat incarcerated Americans, helping put them on the path to recovery, which in turn could lower the Nation's recidivism and crime rates.

We can never forget that the solution to so many of America's problems can be found in our local communities—our schools, our churches, townhalls, and VFW halls. The Federal Government can help support these efforts through smart, commonsense approaches, such as the Comprehensive Addiction and Recovery Act, or CARA. However, we must be honest in recognizing that success will be neither quick nor easy. We are confronted with the reality that addiction is a vicious and devastating cycle of abuse and despair, with consequences that can result in the destruction of loving families and the end to once-promising lives. It affects us all, Mr. President. The fight against addiction is one we must wage together, and we cannot afford to lose.

Mr. President, I want to thank the Presiding Officer personally for his leadership on this issue.

I look forward to seeing the CARA bill come to the Senate and then on to the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I also want to take a few moments today to discuss the devastation drugs are bringing to too many families and communities across our Nation and also to congratulate the Presiding Officer for his great work on this issue. The bill before us today is a collaborative effort of his and Senators AYOTTE, TOOMEY, and others who have worked very hard to address what has become an epidemic across our country. It is particularly hitting States hard, it is hitting communities hard and families hard, and it needs to be dealt with. The destructive effects of illegal drug use have been well documented, and anything we say about the problem is likely to have been said many times before, but it is still worth saying because we cannot afford to forget what is at stake in this effort.

In my home State of South Dakota, methamphetamine use has hit our Indian reservations very hard over the past few years. Numerous individuals have become trapped in a cycle of meth abuse, their plans and dreams for their futures erased as their world shrinks to nothing more than their next dose. Of course, drug abuse doesn't just affect the individual using drugs; it ripples out into families and communities. Since meth abuse spiked on our reservations, there has been a significant

increase in the number of babies born addicted to meth, and that is about as heartbreaking as it gets, Mr. President—a newborn baby screaming in agony as her body suffers withdrawal.

The meth epidemic on our reservations has also caused a significant increase in the number of meth-related crimes, including sexual assaults, domestic violence, child neglect, car accidents, and gang violence.

The meth epidemic has worsened the housing shortage facing South Dakota tribes because meth has contaminated a number of homes across our reservations. Cleaning up a house that has tested positive for meth costs thousands of dollars.

Several South Dakota tribes have seen so much devastation from meth abuse that they have declared a State of public emergency to gain access to additional government resources to fight the problem.

Today we are considering legislation to address another drug epidemic that has caused similar devastation—the abuse of prescription painkillers and heroin.

Since 1999, drug overdose deaths from prescription opioids, such as oxycodone and hydrocodone, have quadrupled. Forty-four Americans die every single day after overdosing on prescription opioid painkillers, and the numbers on heroin abuse are similarly disturbing. Heroin abuse in the United States nearly doubled between 2002 and 2013, while overdose deaths related to heroin nearly quadrupled. Between 2013 and 2014 alone, heroin use in the United States increased nearly 35 percent. Behind those numbers are thousands of broken families, suffering children, and devastated communities.

Any response to a problem as deep and complex as drug abuse has to approach the problem from a number of different angles. It has to address education and prevention. It has to target the drug supply by going after those who trade in and produce drugs. And it has to ensure that individuals trying to escape the cycle of addiction have access to the resources they need to overcome their dependence. The bill before the Senate today, the Comprehensive Addiction and Recovery Act, targets all these priorities. A substantial part of the bill is focused on funding programs that provide treatment and support for individuals trying to escape painkiller or heroin dependence. The bill also provides grants for education and prevention and for local communities' anti-drug efforts.

An important section of the bill focuses on developing best practices for prescribing pain medication. Right now, prescription painkillers are heavily prescribed in the United States. In fact, the United States consumes more opioids than any other country in the world. Our country accounts for almost 100 percent of hydrocodone used globally and 81 percent of oxycodone use. In 2012 doctors prescribed enough prescription opioids to give every adult in

the United States a month's supply. Let me repeat that. In 2012 doctors prescribed enough prescription opioids to give every adult in the United States a month's supply.

It goes without saying that prescription painkillers can be a key part of medical treatment, but it is essential that we make sure these potentially addictive drugs are being carefully prescribed and that they are only being prescribed when they are really needed. Reviewing and updating prescribing practices will help us prevent attempts to use these drugs inappropriately.

One of the most important parts of preventing drug abuse is going after the people who prey upon the vulnerabilities of their fellow man by engaging in the drug trade. One significant reason for the recent spike in heroin abuse is the sharp increase in supply of affordable heroin here in the United States over the past several years. This increase has been driven by a major surge in heroin production in Mexico. Between 2013 and 2014 heroin production in Mexico increased a staggering 62 percent—62 percent, in 1 year. A large part of that production increase has ended up here in the United States. Any successful strategy to combat the heroin epidemic in the United States has to include efforts to check the flow of heroin coming across our borders. The Comprehensive Addiction and Recovery Act addresses this priority by authorizing grants to State law enforcement agencies to investigate the illegal trafficking and distribution of heroin and prescription painkillers, and Republicans will continue to look for ways to support Federal, State, and local law enforcement as they seek to stem the flow of drugs into our communities.

The Comprehensive Addiction and Recovery Act is an important bill. It is supported by Senators of both parties and by a number of law enforcement and drug treatment associations. It takes the kind of comprehensive approach we need to address the abuse of heroin and prescription painkillers, but our efforts are not limited to this bill.

Last year we passed the Protecting Our Infants Act to help prevent and treat prescription painkiller abuse in pregnant women and provide care for newborns who suffer as a result of their mothers' abuse of opioids. We also increased funding for efforts to combat painkiller abuse and provided grants to States to help them prevent and treat drug abuse. As chairman of the Senate Commerce Committee, I worked with my colleagues last year to provide new resources to the Coast Guard, the leading Federal agency for combating the drug trade on the high seas. The Senate Finance Committee recently held a hearing on the Stopping Medication Abuse and Protecting Seniors Act, which establishes a Medicare Program to prevent painkiller abuse.

Too many lives across our country have been wrecked by drug abuse, too many children have lost a mother or a

father to addiction, and too many communities are bleeding from the violence and brokenness that accompany the drug epidemic in this country.

Republicans remain committed to doing everything we can to support those fighting drug abuse, whether they serve in law enforcement agencies, emergency rooms or classrooms. We are committed to reaching a day when fewer lives are destroyed by the scourge of drugs.

The legislation before us today—which Senators PORTMAN, AYOTTE, TOOMEY, and others have been involved with—is an important step forward in helping to address something that has become a crisis in this country and which is impacting, in a harmful and negative way, way too many families and way too many individuals and ruining the hopes and aspirations of too many young people and children across the country.

Let's pass this legislation, let's get the House to pass a similar piece of legislation, and let's get something on the President's desk that can be signed into law that will bring the relief that is needed.

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

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

Mr. WHITEHOUSE. Mr. President, no one appears to be seeking the floor right now, so I will take the opportunity to speak about our CARA legislation. Since the Senator from Ohio, who has been my partner in this, is now presiding, this is an opportune time to give some remarks.

I think like many States, just from the remarks we heard on the floor already, it is not unusual to have a terrible toll at home from opioid abuse and from overdoses. In 2014, 239 Rhode Islanders lost their lives to overdoses. That is more than were killed in automobile accidents, more than were killed in homicides, more than were killed by suicide. Indeed, that is more than all of those categories—automobile accidents, homicides, and suicides—combined.

In one small community, Burrillville, RI, the beginning of last year was marked by six opioid overdose deaths. Burrillville is a very small town in northern Rhode Island. There are probably 5,000 people who live there. In one quarter, the opening quarter of last year, to lose six people, to have six police calls to the scene, to have six wakes, six funerals in a community that small—that is sadly emblematic of what is going on all around the country.

Rhode Island is not alone. The addiction overdoses are claiming lives, creating tragedy, and destroying families

across the United States. Our emergency rooms in America treat almost 7,000 people every single day for the misuse or abuse of drugs. There are 7,000 people who come through the ER doors needing treatment, which, by the way, runs up costs to our health care system. More than 120 people die every day as a result of an overdose. The latest year for which we have figures is the year that Senator THUNE just mentioned, 2014—47,000 dead in 1 year.

If you leave this building and walk down to the Mall, you will find the Vietnam war memorial. The Vietnam war memorial has about 58,000 names on it. From the entire Vietnam conflict, there are 58,000 names on the Vietnam war memorial. From 1 year of opioid overdose, there are 47,000 deaths. I am afraid it probably went up in 2015. We don't have the figures in yet.

Behind this tragedy of death and sorrow lies a terrible failing, which is that, according to the most recent estimates, nearly 9 out of 10 people who need drug treatment don't get it. They just don't get it. When you think of that death toll, you think of the cost and you think of the sorrow. The idea that we are still letting 9 out of 10 people who need treatment not even get it, not have access to it, is a terrible failing.

The economic cost of all of this is something we always think about here in Congress. Whether it is from health care costs or criminal justice-related costs or loss of productivity at work, that has been estimated at as much as \$70 billion per year.

One thing we have seen is that the ongoing substance abuse epidemic does not discriminate by race, by ethnicity, by gender, or by age. Overdose rates are up in both men and women, in non-Hispanic Whites and Blacks, and in adults of almost all ages. The dynamic nature of this epidemic demands that we respond in a comprehensive way—a way that brings together the public health, the public safety, the behavioral health care, the addiction recovery, and other communities.

It was out of this recognition, this realization that this pandemic, as some have aptly called it, requires an all-hands-on-deck approach that the Comprehensive Addiction and Recovery Act was born. Starting in the spring of 2014, Senator PORTMAN of Ohio, Senator KLOBUCHAR of Minnesota, Senator AYOTTE of New Hampshire, and I hosted a series of bipartisan, bicameral congressional forums addressing various aspects of addiction—from the role of addiction in our criminal justice system, to the special challenges faced by women, by veterans, by young addicts, and the collateral consequences that we impose on people when they are in recovery. We hosted five forums, as the Presiding Officer will well recall, that brought together experts from these various fields to come here from all around the country. This was a national pilgrimage to Washington to highlight best practices and to share success stories from their States.

I have more remarks that I will be pleased to make as the day goes on, but I am here managing the floor, and so I will yield the floor to my colleague and fill in again when there is a gap in the proceedings.

I yield the floor, and I will pursue this later.

The PRESIDING OFFICER. The Senator from Montana.

#### GUANTANAMO DETAINEES

Mr. DAINES. Mr. President, yesterday I joined Senators GARDNER and MORAN on a factfinding mission to Guantanamo Bay. Guantanamo Bay was a humble reminder of the services our military provides overseas to get these terrorists off the battlefield and ensure they don't end up in Americans' backyards.

President Obama has signed multiple pieces of legislation into law that explicitly prohibit the transfer of enemy combatants from Guantanamo Bay to our shores. Most recently, the 2016 National Defense Authorization Act signed by the President specifically prohibited funds to be utilized to transfer detainees from Guantanamo Bay to the United States.

Among those being held are detainees such as Khalid Shaikh Mohammed, who is the principal architect of the September 11, 2001, attacks in New York City, according to the "9/11 Commission Report." Khalid Shaikh Mohammed is just part of the 9/11 five who are currently detained in Guantanamo Bay who allegedly masterminded and facilitated the 9/11 terror attacks on our country. In fact, other prisoners include Osama Bin Laden's bodyguard, who fought U.S. forces in Afghanistan.

We need to do the right thing for our country and keep them locked up in Guantanamo and not help President Obama fulfill a campaign promise and bring these terrorists to our communities.

I am exceedingly proud of our men and our women serving at Guantanamo Bay. They are impressive, they are professional, and I am honored to represent their interests in the U.S. Senate. I will continue working tirelessly to prohibit the transfer of these detainees to America.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I will continue my remarks.

We were discussing the forums that the Presiding Officer, Senator AYOTTE, Senator KLOBUCHAR, and I organized. Out of that developed a national working group of stakeholders from the public health community, from behavioral health folks, prevention, treatment, recovery, and law enforcement. The forums informed us and the working groups supported us as we worked to draft legislation that would promote effective, evidence-based policies and increase collaboration among what are too often siloed areas of activity and expertise.

The bill we developed would do a great number of things. They fall into four major categories:

First, it would expand prevention and educational efforts—particularly aimed at teens, parents, and other caretakers, and elderly folks, aging populations—to prevent the abuse of opioids and heroin and to promote treatment and recovery.

Second, it would expand the availability of naloxone to law enforcement agencies and other first responders to help in the reversal of overdoses and save lives.

Third, it would expand the resources to identify and treat incarcerated individuals suffering from addiction disorders promptly by collaborating with criminal justice stakeholders and by providing evidence-based treatment.

Fourth, it would strengthen prescription drug monitoring programs to help States monitor and track the diversion of prescribed drugs out of the proper and legitimate market and to help at-risk individuals get access to the services they need.

It does a number of other things, but I will not summarize them all now.

The Comprehensive Addiction and Recovery Act recognizes what we have learned from science and from experience, and it promotes those practices that we know work best to confront the multiple facets of this new epidemic. It sends the message that we in Congress understand that addiction is a disease, a public health crisis that requires more than the enactment of stiffer criminal penalties. We tried that road. We know it was not a success.

The bill we worked on and prepared has been endorsed by over 130 community and national organizations on the frontlines of this epidemic, including the National Council on Behavioral Health, Community Anti-Drug Coalitions of America, the Hazelden Betty Ford Foundation, the National District Attorneys Association, the National Association of Attorneys General, major county sheriffs, the American Correctional Association, and many others.

Here in the Senate, at the last count, we had 38 cosponsors and myself. I am sure that number is climbing.

As committed as I am to the principles in this legislation and to the need to encourage and support these policies, I recognize that this bill alone is not enough. Without adequate resources to fund the programs in the Comprehensive Addiction and Recovery Act, CARA, they will remain out of reach to too many of the individuals, communities, and first responders who most need them. Without adequate resources for prevention, treatment, and recovery, we will continue to spend billions of dollars elsewhere in economic and societal costs that would be avoidable if we got this right. Without adequate resources, too many people who desperately want to turn their lives around will be told to wait another day. Anybody who knows about addiction recovery knows what the consequences can be of being told to wait another day.

Senator SHAHEEN of New Hampshire has proposed an amendment which provides emergency appropriations to address this crisis. I am a cosponsor of that amendment because I agree with her that the opioid epidemic is an emergency, a public health emergency, and should be treated as one. Building on the strong commitment Congress made to funding addiction and recovery programs in the fiscal year 2016 omnibus, Senator SHAHEEN's bill would appropriate an additional \$600 million to the Department of Justice, to SAMHSA, and the CDC, much of it going to programs authorized in CARA, the Comprehensive Reduction Recovery Act, or complementary to CARA's goals.

This would not be the first time the Congress has authorized emergency spending in response to a public health emergency. When the swine flu epidemic hit, and I believe took 11,000 lives, Congress appropriated \$2 billion on an emergency basis with broad support on both sides of the aisle. Here, in the latest year for which we have the data, the body count is 47,000 deaths. We lost 11,000 lives to swine flu and 47,000 lives in 1 year to the opioid epidemic.

I hope my colleagues on both sides of the aisle will join me and Senator SHAHEEN and vote, not only to support the Comprehensive Addiction and Recovery Act but to also provide added resources to make those principles a reality in the lives of the people who are counting on us to come to their aid. Addiction is a tough illness and recovery from it is a hard but noble path. Men and women who walk that path deserve our support, encouragement, and admiration.

I thank my fellow sponsors, Senator PORTMAN, Senator KLOBUCHAR, and Senator AYOTTE, for their partnership over the past 2 years as we prepared this legislation. I thank Chairman GRASSLEY and my ranking member Senator LEAHY for their commitment to tackling this epidemic and for bringing this bill out of the Judiciary Committee without opposition and now to the floor where we hope we can bring it across the finish line.

Let me say that I anticipate we are going to have a disagreement about the funding of this bill. I will fight as hard as I can to make sure this bill is adequately funded, but I do not intend, nor do I know anyone who intends, to block the passage of CARA or to interfere with it going into law over the question of funding.

People will have to check in with their own consciences, check in with the desires of the addiction and recovery communities in their home States, and check in with their constituents as to the right way to vote on giving this adequate funding.

Finally, let me close by thanking the advocates, providers, police officers, rescue personnel, and of course the families who support and help the people in recovery through the tough

nights and days. They do the hard work of saving lives every single day, and we would do well to honor them by passing this bill and seeing to it that it has adequate funding support.

I yield the floor to the Senator from Virginia.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Virginia.

Mr. WARNER. Mr. President, I have an inquiry. I believe there will be a series of speakers coming to the floor to address the issue of digital security. I don't know if my colleague, the Senator from Ohio, has a long statement.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I ask if my colleague would defer to me for just 2 minutes so I may address the CARA bill that Senator WHITEHOUSE has been talking about, and then I will yield to the Senator from Virginia.

First, I wish to thank Senator WHITEHOUSE for his partnership. As he said, we have been working on this issue for the last few years to ensure that we have a comprehensive approach to this horrible issue of drug addiction and specifically the increasing threat of addiction to prescription drugs and heroin which we see in all of our communities. It is the No. 1 cause of death in my home State of Ohio, and we have been told it is the No. 1 cause of accidental death in the country. It is far worse than that. It is tearing apart families and communities, and we need to address it.

I will say two things. One, this is not just a bill about principles, this is a bill about policy, and Senator WHITEHOUSE and I are supporting new policies to approach this issue more effectively, as to prevention and education, as to treatment and recovery, as to dealing with the unfortunate situation of too many overdoses of naloxone, as to training, as to getting prescription drug monitoring programs in place, as to helping these addicted babies and mothers who are pregnant and have an addiction. There are very specific policy changes here that direct the increase in appropriations which is provided for in the current fiscal year, for the next 7, 8 months. That funding will be there for this legislation.

If we were to pass this bill tomorrow and get it enacted into law, that funding would be there not just in principle but in specific ways to spend that money more effectively. I wanted to make that point clear.

Second, I do support additional resources, as does Senator WHITEHOUSE. I believe this is such a crisis that it requires resources over and above what we even provided in CARA. We have to get CARA done, and I agree with Senator WHITEHOUSE on that. This is priority No. 1 not just for us but for the 130 groups around the country that are the experts in prevention, education, treatment, and recovery. They have come together and given us their best counsel; that is, that this legislation will actually help to begin to reverse this terrible trend of addiction.

I am hopeful we can have a full debate on this legislation. I understand Senator SHAHEEN is going to offer an amendment. I have seen the revised version of her amendment, and I believe I will be able to support her amendment. I have just started to look it over, but I like it because it does provide additional funding. The funding is in addition to the funding we know will already be in there for CARA. It would be emergency funding. It is not usual for me to support funding that is not paid for through other offsets, but I believe we are in such a crisis in this country, including my State, that I will be able to support that. However, as Senator WHITEHOUSE said, we have to pass the underlying bill. I appreciate my colleague's commitment on that, and I appreciate the commitment of so many other great groups around the country that have supported us and said: Let's not get off track here. Let's get this legislation passed.

We have companion legislation in the House. It is bipartisan and identical to the legislation Senator WHITEHOUSE and I introduced. We worked together with the House on this legislation. This is bipartisan. They have over 88 cosponsors, Republicans and Democrats. We have very good signals from the White House that shows they are interested in working with us. Therefore, this can actually get done.

It is not just about funding for this year. Obviously, this would be a change in the way we spend money. It is an authorization to change it next year and the year after that and the year after that. In my experience that is what needs to be done.

I was the author of the Drug-Free Communities Act in the House for almost the past two decades. There has now been \$1.3 billion under the auspices of the Drug-Free Communities Act that directs and targets that funding to what we know is effective prevention. Our legislation takes that to the next step with regard to heroin and prescription drugs and will help those communities that are particularly impacted.

I thank my colleague from Rhode Island. I also thank my colleague from Virginia for his indulgence. I am sorry to interrupt his colloquy with our colleagues.

I yield my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank both of my colleagues for their very important work on the issue before the Senate today. I, like them, have a State where both opioid and heroin abuse is taking too many lives and destroying too many families. I look forward to successfully moving forward on this legislation.

DIGITAL SECURITY

Mr. President, I rise to join several of my colleagues in a conversation on digital security. Since last year, I have been working with the chairman of the

House Homeland Security Committee, Texas Republican MICHAEL MCCAUL, to set up a Commission of experts to study digital security and issues around encryption. These issues have been somewhat in the news, and we have seen court cases in both California and New York.

I say to my colleagues that this is one component the Commission is trying to address. We are at the beginning of a debate that is even broader than the current cases being litigated in California and New York, which will encompass the whole world with digital security. If you think the issues we face now are challenging, as our country and the world move more toward the Internet, such as having your refrigerator respond to your voice, this issue around digital security is only going to grow.

I have a background with the technology community and Chairman MCCAUL has a background with the law enforcement community. Unfortunately, over the last few months, we have seen folks from the tech community, the law enforcement community, and the privacy community talk past each other too often. We have seen this issue addressed without a common set of facts. We have now seen situations arise that have basically pitted law enforcement against technology. We think the approach we are taking—bipartisan legislation that was introduced on Monday—is the appropriate way to go.

I am joined by my partner in the Senate, Senator GARDNER. We have Senator COLLINS, Senator BENNET, and my good friend Senator KING.

Mr. President, regardless of where people fall in this debate, digital security tools are terribly important. Encryption is essential to protecting our personal information, our financial information, our intellectual capital, and our national security, and this is one issue in which the heads of law enforcement and the heads of the intelligence community as recently as 2 weeks ago—Senator KING and Senator COLLINS, who are on the Intelligence Committee—have said that encryption is here to stay and is extraordinarily important.

We have seen challenges around this technological innovation come very quickly. Think about this: Nearly 2,000 new applications are submitted to the App Store every day. That is how quickly this world is changing. The majority of these new applications that are added to that App Store are actually produced overseas. Two-thirds of these new apps use some level of encryption.

I follow this from a policy standpoint but also my personal background in the telecommunication industry for over 20 years. I can say that the networks we deal with today in terms of the Internet, the cloud, are infinitely more complicated than the distributed top-down network that existed in the 1990s when the Congress most recently

addressed some of these issues. The Internet today is no longer top down. The fundamental architecture of the Internet is decentralized and resilient. We have seen on countless occasions in the past that telecom traffic shifts quickly from one area to another, and attempts by any government to channel that traffic in a certain way in fact often results in shifts that make it harder for government, law enforcement, and intelligence to stay abreast of the activity.

Obviously, Mr. President, many of these issues have been public since Edward Snowden's disclosure 3 years ago. I think that disclosure did great harm to our country. We have seen more recently, in the press, this debate crystallize after terrorist events and court activities in both California and New York.

What we are doing—these Members in the Senate and Members in the House—in a bipartisan way is saying: Let's sit down together and work through a common set of facts, a common collaborative approach, so that before more time elapses and positions harden any further, we bring something together now to sort through these complicated issues.

We all need to be working, as I said before, from the same set of facts. We need a framework for collaborative conversation. Too often I have heard from law enforcement and tech in recent months that we need to get into a room and try to sort these things through. Unfortunately, a static, American-only solution won't get us solving the problem. I believe it will simply drive the bad guys, the criminals and terrorists—at least the smart ones, anyway—off of American technology, away from American platforms, and move more and more criminals and terrorists to foreign-based hardware and software and at the end of the day actually make the safety and security of the United States far more out of reach.

I know at the outset some of my colleagues here questioned whether a commission is the right way, done too often. Congress has used commissions in the past to punt the solution. The model we have taken, working with great assistance from Senator COLLINS, is the 9/11 Commission.

In the event of a national tragedy, a congressionally mandated Commission came together on a series of policy recommendations, the overwhelming majority of which were implemented by the Congress. That is why the 16-member Commission, modelled after the 9/11 Commission, has been endorsed by a wide range of stakeholders, from the tech sector, to respected academic and legal experts and distinguished national security figures. As a matter of fact—and this doesn't happen that often—our Commission proposal has even been endorsed by the editorial boards of both the Wall Street Journal and the Washington Post. These validators agree with us: A bipartisan,

bicameral Digital Security Commission is a productive path forward.

All these issues are not easy. What is great about America is that we are a country of innovators and of problem-solvers. I know that if we stop talking past each other and put the right people in a room, we can find the right solutions that protect us all, and then Congress can act.

Mr. President, I know we are going to hear from a number of my colleagues. I would like to now yield the floor to my friend and colleague on this issue, the Senator from Colorado, Mr. GARDNER.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Thank you, Mr. President.

I thank my colleague from Virginia for his work on this and his history in the telecom business and his understanding of the complicated issues set before us. There are no simple answers. There is no black-and-white way to proceed here. There is no yes or no that we can reach because of the complicated set of factors before us when it comes to balancing our security needs and balancing our privacy needs at the same time.

In fact, I am reminded of when I was in the State legislature and legislation we worked on several years ago. We were trying to figure out what to do when it came to criminal acts over the Internet. At the time this bill passed, most people were using BlackBerrys. I don't know if the iPhone had been invented yet. They described in the statute that the legislature was working on—it was dealing with the issue of Internet luring of a child, and when they wrote the language, they used technical language. And when presented with a case under the statute trying to charge somebody with Internet luring of a child, a judge actually said: Well, since the defendant, the perpetrator, was using a BlackBerry—we don't define the BlackBerry as a computer; therefore, this offense of Internet luring of a child won't apply in this particular case. That was because at the time, the legislature tried to describe in very definite terms a black-and-white answer to technology that had evolved or that everybody thought would be understood that this is a computer or this is the Internet. A judge said: No, that is not the case. So we had to address that issue in later years to try to overcome and understand the technology in ways that allow technology to evolve, that allow new technologies to emerge, but also make sure we are passing laws to provide protection to victims of crimes—in this case, an innocent child.

So when we are dealing with this issue of privacy and security and encryption, Congress ought to be the first body to admit there is no single person in here who can say: I have every answer. I have every solution. Choose me. Choose my bill. This is the way forward.

I applaud my colleague, Senator WARNER from Virginia, for the work he



is doing, along with Senator COLLINS, myself, and Chairman MCCAUL in the House of Representatives, to try to find that solution to a very nuanced issue. This challenge with encryption that we face today is significant.

Encryption, as we know, is a technology designed to prevent unauthorized access to data and information. It is a code or series of codes put in place to put a lock on valuable things and trivial things alike, as the case may be when it comes to encryption. No matter how you describe what it is or what it is protecting, there is no doubt that it has been an enabler of global commerce in an increasingly interconnected age. It is that blanket that keeps our credit card numbers safe and our bank account numbers safe. It is the underpinning of financial success for businesses such as eBay, Amazon, iTunes, and more. But it can also be used, as we have seen, perhaps to cover bad actors, to cover their actions, creating a safe harbor sometimes for people who don't deserve to have a safe harbor. It can be an impenetrable cage around crimes, a powerful tool that is used to thwart law enforcement and lawful investigations, a blockade that is too difficult to penetrate for law enforcement.

So this bill that you have put forward, this Digital Commission that will be comprised of experts around the country on issues of privacy, on security, on encryption, to try to find the right balance between what is it that we need in this country to protect our national security, to find bad actors who are trying to hide bad things with innocent technologies—this is to craft policies in an open manner that we can then turn to and look at to make sure we are protecting privacy, protecting encryption, that we are not offshoring the problem, allowing others to hide by technology made offshore, but that we have a solution here in Congress that takes into account evolving encryption techniques and technologies, respecting people's privacy rights as well. While there is a darker side to some users of innovations we have unleashed, we have great benefits from the innovations we have created that have enhanced our way of life and our quality of life.

So to Senator WARNER, my colleagues in the Senate, and the Chair, I would congratulate the Senator on his good work and the work so many of us have done to try to find this balance of security, privacy, and to make sure we are giving no quarter to people who wish to do this Nation harm.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, he stated that correctly. This is not an either/or circumstance. We have to protect Americans' privacy. We have to make sure we protect Americans' lives and liberty from criminals and terrorists. We also need to ensure that we continue to promote American innovation. And I believe there is a way through

this, and I appreciate his good work as we move forward on this important piece of legislation.

Let me ask someone who has seen this process work before, a longtime member of the Senate Intelligence Committee and the Homeland Security Committee who helped shape this legislation, my friend and colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise today as a cosponsor of the Digital Security Commission Act, a bill that will establish a national bipartisan commission to examine digital security and privacy and the "going dark" problem that poses a real challenge for those responsible for our national security and for protecting the American public.

Let me commend the primary author of this bill, the Senator from Virginia, Mr. WARNER, for his expertise in putting together not only a well-balanced commission but also a broad array of cosponsors in support of this important legislation.

Senior administration officials—the FBI Director first among them—have been vocal in articulating the problem of terrorists and criminals going dark, with the result that our intelligence agencies and our law enforcement are going blind. Director Comey has testified repeatedly to the fact that there are terrorists who are using encrypted communications to plot attacks against our people, and we know that international criminal cartels are doing so as well.

There are many competing and difficult concerns that need to be worked out as we address this complex issue. Under our bill, a national and diverse commission will perform its review and then make recommendations that will protect the privacy rights of law-abiding individuals in an era in which terrorists and criminals increasingly use encrypted devices. The Digital Security Commission will have the opportunity to make a valuable contribution to this debate, and that is the opportunity our legislation creates.

The laws of the United States, unfortunately, have not kept pace with technology, which has obviously rapidly evolved during the past three decades. As a result, the issues of going dark and preserving personal privacy are ones that we simply must grapple with today and for the future. To resolve what often are competing concerns will undoubtedly require a new law.

Let me be clear that I personally don't believe that the absence of a new law in any way exempts a company or an individual from complying with a court order issued by a Federal judge. In the San Bernardino terrorism case, Apple has been ordered by a Federal judge to provide technical assistance to help the FBI access data on a cell phone that was used by one of the terrorists involved in killing 14 people and injuring 22 others.

Here is an important fact that has been overlooked in many of the reports on this crime. Given that this phone was owned by the county, which has given its permission for the data to be retrieved—and I bet that is a critical point here—and that the court order is narrowly tailored, I believe Apple should reconsider its position as it relates to this particular case.

In the long run, however, it is clear that we need a new law and a dialogue among the administration, Congress, Federal and State law enforcement, and the tech community in order to deal with this issue.

It is appalling to me that there have been no legislative proposals submitted by the White House or any other Federal agency to guide us on this issue. At a time when the administration has been notably absent in the offering of a legislative proposal to address these important and complex issues, the practical solutions that I believe would come from the Digital Security Commission would be most welcome by the Congress and would help us and guide us as we draft a new law.

To be sure, these are difficult issues to resolve. And I believe that if you surveyed the cosponsors of this bill, you would find all sorts of different views on the cases that are before us. Indeed, the courts have reached different opinions. While I do not expect that the Commissioners will see eye to eye on every recommendation, we can have confidence that the final report will reflect the consensus judgment of a supermajority of the Commissioners who are selected in equal numbers by Republicans and Democrats. The final report must be supported by at least three-quarters of the Commission to ensure that no recommendation represents the view of just a few stakeholders. When we had the 9/11 Commission's recommendations, one reason they were so powerful in enabling us to revamp the intelligence community was their unanimity.

Again, let me thank Senator WARNER for his leadership. I look forward to working with him and with my other colleagues, including the Senator from Maine, ANGUS KING, to make sure that we get this issue right for the challenges we face now and in the decades to come.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank Senator COLLINS from Maine for her comments today and for her good work on the Intelligence Committee and for her good work on the Homeland Security Committee and the fact that she has thought through these issues in a different framework—when our country was attacked—after 9/11. I would simply add that if some in Congress or elsewhere had come through with this kind of collaboration a few years back, we might not now be having two cases—one in New York and one in California—where, at least it appears

at first blush, the courts are coming at it from very different directions.

Let me reemphasize that in America the only solution here could simply drive criminals and terrorists to foreign-based technology, hardware, and software. In many ways, to get this right, if we are going to prevent a balkanization of the Internet, which is not in America's interests and not in most countries' interests, we need to at least think through this from an international perspective.

Let us hear now from a former Governor, like myself, and a great member of the Intelligence Committee. I thank him for joining in this effort. As Senator COLLINS said, we have a broad breadth of ideological viewpoints from these eight bipartisan original sponsors here in the Senate, and I think more will be joining us.

I would simply add that on a day where a lot of the Nation's focus is on Super Tuesday and on some of the activities that are taking place in the Presidential debates, it is great to see such responsible Members from both parties step forward in a bipartisan way to address a very serious issue, both today and in the future, for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, when I first entered this body in the winter of 2013, I was appointed to the Intelligence Committee. Every Tuesday and Thursday, we would meet for several hours talking about very difficult, very complex, and sometimes very scary issues.

After sitting through those meetings for several months, it suddenly came to me what our mission in that committee is. It really comes down to balancing two provisions of the Constitution. The Preamble to the Constitution, which establishes the basic premise for why we have a government and why the Constitution was established, uses two important phrases in conjunction with each other. The first is "to ensure domestic Tranquility" and the second is "to provide for the common defence." There are other elements listed, but that is part of the essence of any government: to ensure domestic tranquility and provide for the common defense; in other words, to keep us safe. That is what government is all about.

But on the other hand, the Bill of Rights, and particularly the Fourth Amendment, makes it clear that there are limitations on government's power in whatever area. The Fourth Amendment says that "the right of the people to be secure in their persons, houses, papers, and effects shall not be violated" and also: no unreasonable searches and seizures. Those two provisions are intentional, and they have been since the founding of the Republic. The role of the Intelligence Committee and this body, it seems to me, is to constantly recalibrate the balance between those two provisions based

upon the threats our country faces and the developments of technology. That is really what this discussion is about. It has been brought into sharp focus in the last two weeks by the case involving Apple and San Bernardino, as well as other cases around the country.

The Apple case points out the complexity and the difficulty of these issues. It is not simple. It is easy to say it was a terrorist's phone; open it up and get the information. But then we learn that, No. 1, Apple is not being asked to simply throw a switch or plug in a wire. It is being asked to write new software that would compromise its own software protections built into its iPhones all over the world. So it is being asked to create something, not simply open the doors. No. 2, although there has been some discussion about it as "just this phone," it is not just this phone. Apple is being asked to create a new piece of software that compromises its operating system in such a way that the phone can be hacked. Once that piece of software is created, there is no telling where it will go. It is referred to in the tech literature as the "golden key" or the "God key." Sure, Apple could keep it, but it might—who knows, a disgruntled employee could let it out. Apple itself could be hacked. It could fall into the hands of our intelligence community. It could then be made public. Once it is out there, we can't undo it.

What I mean by raising these issues is not that I know what the answers are, but that it is very complicated. And what if Apple creates the key for the San Bernardino phone but it ends up in the hands of China or Russia or Iran or a criminal enterprise, then we have compromised the security of millions of our citizens, and perhaps of our country itself.

The real point here is this is an issue of immense significance and public policy importance that should not be decided by a single court in California or Iowa or New Jersey or anywhere else based upon a 220-year-old law. This is an issue of policy that should be decided here. Indeed, in the district court opinion that was written yesterday in New York, that was released yesterday—I stayed up late last night reading it—the heart of that opinion was: This is a job for Congress. This is a policy question. The judge said the people who wrote the All Writs Act in 1789, the Judiciary Act of 1789, many of them were the same people who wrote the Constitution and the Bill of Rights. He said he could not believe they meant to import to the judiciary the power to make this kind of policy. That was the fundamental promise of the opinion. I commend that opinion to my colleagues. I have been reading judicial opinions for about 50 years. It is one of the best I have ever read in terms of the research and the footnoting. It is a very, very strong argument, and it makes the case I think very straightforwardly that this decision should not stay in the hands of the

court. The real issue here is who shall decide this complex and portentous issue.

Now, generally, I don't like commission bills. Typically, they are often the politicians' way of putting the problem off to someone else in the future and we will deal with it later and we will appoint a blue-ribbon commission. But I have seen them work. The Senator from Maine mentioned the September 11 Commission that I think did excellent work and provided the basis for a great deal of good policy. In Maine we had a commission years ago on workers' comp, which was a very difficult issue in our State, but the commission helped us to get a political solution that ultimately helped to solve that problem. I have seen commissions work, and I think this is exactly the right answer in this particular situation, because the issue is so complicated and because it involves technology, it involves law, it involves the First Amendment, the Fourth Amendment, the Fifth Amendment, and it involves national security. These are important considerations, and we have to understand the ramifications of these issues before taking action.

Now, we may want to and need to address the specific issues raised in the current Apple case on an interim basis. We may decide not to do that, but that is an option whereby we don't necessarily have to wait until the commission acts because the commission is talking about larger issues. Yes, it is talking about the encryption issue, or would talk about the encryption issue, but it is also dealing with broader issues of digital security. So we may want to make an interim decision while we wait for the work of the commission.

I think the important point is that the question before the Senate is, Where should this decision be made? I would join my colleague from Maine by saying that this problem—this so-called going dark—the encryption problem and its constraints upon law enforcement are not new this week. We have been hearing about it in the Intelligence Committee and in the Armed Services Committee and generally in the press for 1 year or 2 years, and I believe the law enforcement community or the administration should have come forward with a legislative proposal for us to act upon. Of course, I am not absolving myself. We could have brought forth our own proposal. But it was their continuing to raise this issue, and I think it was incumbent upon them to say: Here is how I think it should be solved.

Now, I know if Mr. Comey were here he would say: Well, we hoped we wouldn't have to bother you about this because we were trying to work this out with the technology companies. I understand that. But I wish, frankly, that we had put forth this bill 1 year ago or 2 years ago, and then we would be in the position of answering this question today instead of starting



down the path of handing this question to a commission that we hope will provide some answers and guidance to us that will help us to make policy.

I am delighted to be a cosponsor of this bill. I commend the Senator from Virginia for spearheading this effort. I think it is one that deserves quick attention here, and it is something that we can move so we can get to work on trying to understand all the ramifications of this decision. We don't want to compromise national security, but we also don't want to compromise personal security. And we don't want to create something that could redound against national security if it fell into the hands of some of our adversaries.

So I am delighted to be able to help with this effort. I look forward to working with the sponsor and the other cosponsors. Hopefully, this is something we can move on with alacrity so that we can bring this issue back to this Congress sooner rather than later. We will never answer the questions finally because by the time we get some answers, there will be new developments in technology and new questions. But we at least need to bring this debate into the 21st century and try to find a solution that will make sense, both in terms of national security and personal security for the citizens of this country.

Thank you, Mr. President.

I thank the Senator from Virginia as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### FILLING THE SUPREME COURT VACANCY

Mrs. BOXER. Mr. President, this is a great country. Regardless of what some people say, this is a great country, and the reason it is great is that people work. They get up and they produce for this country. They give their talents. They get paid. They help their families. Their kids get educated. We have that ethic of doing our job.

That is why it is so shocking to me that the Republicans who are in charge of this Senate refuse to do their job. They said that no matter who the President nominates, they are not even going to hold a hearing on that person. They say they want a Presidential election. Well, they had two, and their guys lost. I know it is not a happy experience. Believe me, I have lived through it. I have served with Republican Presidents and Democratic Presidents. But the world doesn't stop because you are not happy with who is President. The Constitution tells us what we have to do. Here is what article II, section 2, clause 2 says. And I know everyone here swears to uphold this Constitution. I would argue that when my Republican friends state that they are not going to do their job, they are not going to hold even a hearing on whomever the President nominates for the Supreme Court, which is now short one member, they are defying the Constitution. Maybe they will be sued by someone—an aggrieved party. The peo-

ple of this country are aggrieved by this attitude.

Let's read article II, section 2, clause 2, for anyone who cares about the Constitution, and everybody says they do. It says the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, [and] Judges of the supreme Court."

It doesn't say the President does it alone; it doesn't say the Senate does it alone; it says they do it together. That is article II, section 2, clause 2. This Senator advises her colleagues to read it, and if you don't follow it, you are not doing your job. We want them to do their job.

Now, who else says that it is important? I will tell you—some very incredibly respected people. This quote is from Ronald Reagan, one of the heroes of the Republican Party. I served when he was President, and he said: "Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body."

That is Ronald Reagan.

Let's look at Sandra Day O'Connor, the first woman appointed to the Supreme Court, a Republican who is very beloved. What a wonderful woman. She made history because Ronald Reagan appointed her and we confirmed her. She said, "I think we need somebody there"—meaning in the Court—"to do the job now, and let's get on with it." This is Sandra Day O'Connor.

So, my Republican friends, you have two extraordinary Republicans whom you love telling you to do your job.

It doesn't say in article II, section 2, clause 2: But you don't have to do your job if you don't like the President. It doesn't say that. It just lays it out pretty straightforwardly. This is article II, section 2, clause 2. It doesn't say: Don't do this if you don't like the President. It doesn't say: Don't do this in an election year.

As a matter of fact, we voted in an election year. Anthony Kennedy was nominated by Ronald Reagan with a Democratic Congress. And we voted in an election year. Do you think we wouldn't have been happier to wait and see if we were able to get that Presidency back as Democrats? No, we did what Ronald Reagan asked us to do. We acted responsibly, and we found Anthony Kennedy to be very qualified. He sits on the Court to this day, having been voted on in an election year.

It has happened 14 times in our history. The only time we had a problem was back in the Civil War, when our country was obviously under tremendous stress. Today, we are one Nation under God, and we should pull together on this.

There are some other things I wanted to read to you. This is what Michael Gerhardt, professor of law at the University of North Carolina, said about the Republican plan not to move on this vacancy:

Refusing to hold a hearing on a Supreme Court nomination or refusing to take any action on a nomination before it has been made is simply unprecedented in our history. The refusal is not grounded in the Constitution. It is a willful abdication of authority. The Constitution does not seek to have effect at certain times of the year or the session.

One never knows when something horrible is going to happen. When this happened to Justice Scalia, this was a shock to his family, to the country. Regardless of whether you agreed with him or not, it was a shock. Nothing in the Constitution says if you are shocked about something that happens, you don't have to work with the President. It doesn't say that. Don't make it up, especially because this is the party that keeps saying they want a strict construction of it. If you want to construe the Constitution in a strict way, you need to act.

There is Jamal Greene, professor of law at Columbia. He says: "The Senate has a constitutional duty to give due consideration to anyone nominated by the President to fill a Supreme Court vacancy."

He goes on: "In the modern history of the Nation, there is no precedent for the Senate deliberately refusing to vote on a nominee to a vacant Supreme Court seat, whether during an election year or at any other time."

We have our differences here; we really do. People say: Senator, is that why you are not running again, because it is so hard to do things? No. I love it here. This is just my time to move on and do other things and have somebody else come in. I love it here. I love my colleagues. I have friends on both sides of the aisle and I get things done and so do they. You would think that we would agree on the meaning of the Constitution—it is simple—and that we wouldn't be arguing about it.

I am a little stunned at this failure to step up and do their job. I will tell you this. If you are an average American and you have a job and you call your boss and say: "Hi, Boss. It is Monday morning, and I just don't feel like coming to work."

"Are you sick?"

"No."

"Do you have a problem with your family?"

"No."

"Well, what should we do?"

"Well, I am not in the mood. I want to wait."

You would be fired. You would be fired.

I am going to be here for the remainder of this year. I want to do my job. I want to do my due diligence. I want to have a chance to work with my colleagues on both sides of the aisle here on this issue.

Today at the White House, Senator MCCONNELL and Senator GRASSLEY reportedly told President Obama that they don't want to do their job. They don't want to do it. They don't care who he sends up. It is unreal. It is unbelievable. They want an election.

We had an election. President Obama didn't get elected for 3 years; he got

elected for 4 years. The next President, whatever party, is going to be there for 4 years until the next election. This person has to do their job for 4 years, and we have to do our job. They don't want to hold a vote, they don't want to hold a hearing, and many of them say they will not even meet with the nominee.

It is our job to be involved in this election. This election of the next Justice is such an important job. The Supreme Court has a job to do. This incredible attitude by my Republican colleagues means that the Supreme Court cannot really function the way it is meant to function. It is going to be divided 4 to 4. That is unfair to the people of this country. Whatever side they are on, this decision needs to be made. As Ronald Reagan said: "Every day that passes with the Supreme Court below full strength impairs the people's business in that crucially important body."

Here is one of the heroes of the Republicans saying that every day that passes with the Supreme Court below full strength, the people's business is, in fact, impaired.

Here is what that states. This isn't an argument that is happening in a vacuum in some fancy boardroom of some law firm, conservative or liberal. It is a serious argument that impacts the people. Every year the Court considers cases with profound consequences for our constituents. Again, it doesn't matter what your position is. We need a fully functioning Court.

I want to give an example, and I see my friend from the State of Washington. The Supreme Court is going to hear oral arguments in *Whole Woman's Health v. Hellerstedt*, the most important women's health case in a generation. The case is about the unprecedented attacks we are seeing on women's health in Texas—which is what this case is about—but also across the Nation. This case is about extreme politicians and extreme groups trying to overturn 43 years of settled law.

The settled law is very simple. Women have a right to have reproductive health care. It is as simple as that. When a series of clinics throughout the State are shut down and women have to travel hours and hours and hours and maybe even days to get health care, they effectively don't have it. That is what has been happening in Texas. That is why this case is so important. There is a Texas law, HB2, that was designed to close health clinics that provide a full range of reproductive health care services, including annual exams, pap smears, STD tests, birth control, and, yes, safe and legal abortions—the full panoply of services for a woman. This law in Texas singles out women's health providers with burdensome requirements that have already forced more than half of the clinics in Texas to close.

I don't know who gets happy about that, but I don't get happy about that, and nobody who cares about a woman

should get happy about that. It is a total outrage. Women are taking matters into their own hands because they have no access to doctors. The goal of this law—and it is working—is to shut down these clinics and deny to women these rights that they have earned. It would reduce the number of providers in practice from 40 to 10. If you are just unfortunate enough to live in an area where your clinic is shut down, Lord knows what you do. You may be a single mother, you may be part of a couple where you both work, you may have children, and you may not be able to take days to find health care.

The law is forcing women to travel for hours and some even to other States. Women who live in remote or rural areas may have to stay overnight or for multiple days to avoid making more than one trip. Think about the cost to families who may not be able to do it, who are just getting by. Many women simply can't afford to take off work, drive for hundreds of miles, or get on a plane every time they need health care.

They want to do their jobs. They want to be responsible. They step up to the plate every single day, but we can't do it here because politics is playing a part. People have decided they didn't like the fact that Barack Obama got elected twice. Well, too bad—he did, and it is your job to act.

I am sorry you don't like the President. Maybe you don't like the fact that he got us out of the worst recession since the Great Depression. Maybe you don't like the fact that he cut the deficit by two-thirds. Maybe you don't like the fact that he got us out of two wars. That is your choice, fine, but he has a right to nominate, and we have a responsibility to meet that nominee and to vote up or down on him or her.

These cases that are pending before the Court—and I am just highlighting this one, and I know Senator MURRAY will go into depth on it—these cases are critical. We need the full bench. I don't care how you feel about the issue. Maybe you support closing down clinics and going from 40 to 10, letting women suffer, taking matters into their own hands. If that is your position, I am sorry, it is not fair, but you have a right to your position—but the Court has a right to be at full strength.

I close with just a quote from a woman who has been hurt already by this Texas law which is going to be heard tomorrow in the Court.

Marni. Marni had to fly from Austin, TX, to Seattle when her appointment was cancelled the night before it was scheduled because the clinic was forced to immediately discontinue providing these services after the Texas law took effect. Marni said her first reaction was "to feel like my rights were being taken away from me, to feel very disappointed that elected officials had the ability to make decisions about my and my fiancé's life."

That is Marni. The stakes could not be higher. This is just one of the cases.

Finally, the highest Court in our land should be fully functioning. The American people deserve nothing less. I am going to put up the Sandra Day O'Connor quote for the last time in this talk. She is a Republican woman, first woman to serve, and appointed by Ronald Reagan. She is looking at this Court. She knows what it is like to serve on the Court. She knows how hard the issues are. She understands how important it is. She is more important to this debate than anyone in the Senate, including yours truly. She knows. She didn't say: Wait until the next election to see if my party wins, no. She didn't say that. She said: "I think we need somebody there now to do the job, and let's get on with it."

I thank the Senator from Washington for her leadership on this issue.

The PRESIDING OFFICER. The Senator from Washington.

WHOLE WOMAN'S HEALTH V. HELLERSTEDT

Mrs. MURRAY. Mr. President, thank you to the Senator from California for her long advocacy on behalf of women across this country to be able to access the health care they choose.

Tomorrow the Supreme Court will hear oral arguments in the case of *Whole Woman's Health v. Hellerstedt*. At its core, this is a case about whether extreme rightwing politicians will be allowed to block women from exercising their constitutionally protected health care rights, rights that have been affirmed by the Supreme Court for more than four decades.

For women across the country, for our daughters, and for our granddaughters, there is truly a lot at stake. I have been so inspired to see women of all ages from across the country standing up now to share their stories and to make sure the Supreme Court knows why politicians should not be able to make women's health care decisions.

In fact, 113 lawyers submitted an amicus brief to the Supreme Court explaining the difference that constitutionally protected reproductive rights have made in their own lives. The stories they tell are incredibly powerful. One partner at a major law firm wrote that after three miscarriages, "my husband and I were delighted when I again became pregnant in December 1999 and safely made it past the 'danger zone' of the first trimester, passing an amnio with flying colors. [But] five weeks later, when I was heading into the sixth month of my pregnancy, I returned to the doctor for a routine ultrasound and the doctor immediately detected a problem."

Her baby had a rare heart defect, so severe that he was already in congestive heart failure and would be born only to suffer if he survived at all.

After talking with her doctors and her husband, they made the decision to terminate her pregnancy. She wrote:

As a woman, a mother and a lawyer, I know I did the right thing. I have shared my story with my children, and hope that should my daughter ever find herself in a position similar to mine, she will enjoy the same rights that were available to me.

It should go without saying, but politicians have absolutely no place in such a deeply personal, extraordinarily difficult decision. Unfortunately, the Texas clinic shutdown law being challenged in *Whole Woman's Health v. Hellerstedt*—a law that has been driven by extreme rightwing politicians who want to undermine women's access to health care—would mean the exact opposite. This law and laws like the one that was allowed to stand in Louisiana just last week places burdens that health experts, such as the American College of Obstetricians and Gynecologists, say are medically unnecessary on clinics in order to shut them down and make it harder for women to exercise their constitutionally protected reproductive rights.

If the Supreme Court fails to block this law, three-quarters of the clinics that provide abortion services, as well as other health care in Texas, would be forced to close, leaving 5.4 million women in Texas with just 10 clinics statewide. Hundreds of thousands of Texas women would have to drive 300 miles round trip just to get care they need.

If that is not an undue burden, I don't know what is. A ruling upholding the Texas shutdown law wouldn't just impact women in Texas, it would make it easier nationwide for politicians to interfere with women's health care and block them from exercising their constitutional right. That would be the wrong direction for women. It would be the wrong direction for families and for our country as a whole.

That is why tomorrow women and men from all over the country will be outside the Supreme Court standing up for women's health, rights, and opportunity. I will be very proud to be right there with them because we are going to be sending a very clear message. A right means nothing without the ability to exercise that right.

I hope the Justices listen, realizing how much this ruling means to women's lives. Ultimately, I hope they will rule in favor of ensuring women's health and rights continue to progress, rather than going backward. I know our country will be stronger for it.

Mr. President, I express my appreciation to Senator WHITEHOUSE and all of our colleagues who have worked very hard to bring this bill before us on the floor, the Comprehensive Addiction and Recovery Act. It lays out key steps toward addressing the crisis of prescription drug abuse and heroin addiction, which is ruining and costing lives nationwide, including in my home State of Washington.

I hear about this epidemic from Washington State families and communities far too often. Parents ask me what we are doing in Congress to help families like theirs who are trying desperately to help their children who are struggling to escape addiction. I am told about mothers and fathers who developed opioid addictions after being prescribed pain medication, with dev-

astating consequences for their families.

When I go to speak with local sheriffs and police chiefs, they say they are most often the ones responding to these crises and that our country needs to do better than allowing those struggling with addiction to cycle in and out of the criminal justice system. They tell me that heroin use is only becoming more widespread in our communities, especially amongst our young people.

Penny LeGate is a former news anchor from Seattle and she knows this all too well. Her daughter, Marah Williams, had a happy childhood, ballet lessons, softball, a close-knit family, but in middle school, as she began to struggle with ADHD, depression, and anxiety, she also started experimenting with drinking and drugs. For years her parents tried everything they could do. As Penny will tell you, Marah did too. She fought hard to break her addiction and to keep her life moving forward, but tragically, when Marah began using OxyContin and then heroin, the grip of addiction was just too much. Marah died of a heroin overdose in the basement of her family home when she was just 19 years old. This is a parent's worst nightmare. It is happening to parents across my State, across the country, and it has to stop.

I am pleased there is bipartisan momentum toward giving our communities the tools and resources they need to tackle this disease. The Comprehensive Addiction and Recovery Act, CARA, includes efforts to strengthening education, prevention, and treatment efforts around prescription drug abuse and heroin use. It will cut down on inappropriate use of pain medication that gets so many people addicted to opioids in the first place and would make it easier for people to safely dispose of pain medication so it doesn't get in the wrong hands. This legislation will also help police departments get access to naloxone, a drug that counteracts the effect of an overdose, which is something police chiefs I have spoken to make clear they need—and more.

The bill we are debating right now would be a good step in the right direction, but it can be even better. As many of my Democratic colleagues have made clear, a problem as serious and urgent as this epidemic deserves a serious, urgent response. So we should enact the policies in this bill and at the same time we should also make sure families and communities will see additional tools and resources as quickly as possible. That is why I strongly support the emergency investments proposed by the senior Senators from New Hampshire, West Virginia, the junior Senator from Massachusetts, and others. Their proposal will actually help our States and local governments, as well as families who are on the frontlines of this battle, by providing the resources to prevent opioid abuse and expand access to the treatment that so many families are seeking.

I am hopeful Republicans will work with us to move this alongside this important bill so families don't have to wait for Federal resources that this crisis desperately needs.

As I have laid out, the legislation we are debating today would go a long way toward tackling the epidemic of prescription drug abuse and heroin addiction, especially if it includes an emergency funding that can offer relief and support quickly, but given the strong belief on both sides of the aisle that far too many people are falling through the cracks in our mental health and substance abuse systems, I believe we can and should do more to build on this CARA legislation in the coming months.

We should pass this bill, but then I hope all of our colleagues will not just get up and walk away. We should build on this rare moment of bipartisan agreement, stay at the table, and keep working beyond this bill to strengthen mental health care and substance abuse treatment in our country.

So even while we are debating this very first step, I wish to lay out just a few of the goals that should guide us as we look past this, goals I believe that can be met if we work together and take this crisis seriously.

First, mental health is every bit as important as physical health, and we should make sure we work together to make sure they are both treated equally in our health care system; secondly, we should do more to break down the barriers that make it difficult to address patients' mental and physical health care needs at the same time; third, at a time when half of all U.S. counties lack access to a social worker, a psychologist or a psychiatrist, we need to strengthen our mental health care workforce so patients and families can get care when and where they need it, whether that is at a hospital or in their own community; fourth, we need to recognize that mental health care is important at every stage of life and ensure our system can address every patient's needs, whether that patient is a child or an adult; and, finally, continue taking steps to address the opioid abuse epidemic, I believe we can do more to expand access to medication-assisted treatment and offer our States more resources to respond to crisis situations, including by strengthening prescription drug monitoring programs.

My colleagues on the Judiciary Committee have worked very hard to improve prevention and treatment of opioid addiction, especially among individuals who pass through the criminal justice system. I believe we need to ensure these tools and resources are available to all Americans struggling with addiction and ensure that our health care system is equipped to address addiction as a disease.

I have been proud to work with the junior Senator from Connecticut and other members of the HELP Committee on both sides of the aisle, led by

Chairman ALEXANDER, the senior Senator from Tennessee, on a path toward meeting those goals. I am very hopeful we will be able to reach agreement on some additional steps that would make a difference for the many families and communities who are struggling to support loved ones in need.

Mr. President, it goes without saying that in this divided government we don't agree on much, but there is some important bipartisan agreement on the need to close the gaps in our mental health care system and tackle the crisis of opioid addiction. So I hope we can pass the legislation we are debating today, along with improvements that ensure it helps patients and families as quickly as possible, but we shouldn't stop there. We should seize this opportunity, work together, and continue making progress for the families and communities we serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor to speak in favor of the Comprehensive Addiction and Recovery Act. Senator WHITEHOUSE and I have been working on this together for years, along with Senator PORTMAN and Senator AYOTTE, so this bill has been bipartisan from the beginning. I thank my colleagues, and I also thank Senator GRASSLEY and Senator LEAHY for their leadership in bringing this to the floor and all members of our committee, including the Presiding Officer, who have contributed to this bill.

Our Nation is facing a serious problem with drug addiction, and I am glad to join my colleagues today to talk about how we can tackle this problem and work toward a solution by passing this bipartisan bill. Just last week I was out in Montevideo, MN, and we gathered together some people from the town. It is a town of a couple thousand people. Our goal was to just talk about this problem. I was shocked that early in the morning on a Saturday we had 50 people there. We had every doctor in the town there, to my knowledge. We had the sheriff there, the police chief there.

At one point a regular citizen who was there, who had suffered from some diseases and had been in the hospital, actually emptied out her purse and tons of medications and opioids came rolling out onto the table that she hadn't used. It was an image I will not forget and an image I bring to the Senate floor to remind us there are too many of these drugs out in our communities.

I heard stories of young children who had dealers—people who were trying to get the opioids—actually saying to them: Hey, I will give you a beer if you will go to your parents' medical cabinets and look for these drugs, and they would write them down for them. The kids would then go, get the drugs, and bring them back.

There was a story of one doctor who was treating someone, thought he was

pretty normal. He had back pain, and the doctor had given him some painkillers for years. Then, all of a sudden, one day the Secret Service shows up because this man had actually made a threat on the life of the President. He had an entire nightlife that was different than his day life, and it was completely dictated by the fact he was addicted to prescription drugs.

Four out of five heroin users get their start these days from prescription drugs. I don't think anyone would have ever imagined that. When I was growing up, when we saw heroin addicts on the corner or when I was a prosecutor for years, we never had those kinds of statistics. People got hooked on heroin because they got hooked on heroin. They started with heroin and they, sadly, would end with heroin. In this case, we have 80 percent of people becoming addicted because they have a surgery because they have back pain. They then get too much of the drug or no one figures out that getting hooked on the drug is worse than the pain they had in the first place, and they get hooked on the drug.

We also have stories of overdoses of people who are not even taking the drugs for periods of time. So we have a crisis in this country, and when I met with those people in Montevideo, it hit home to me that it can happen at any time.

We didn't pick this town because they were having a big crisis or because they had a number of deaths. We just happened to be in that area of the State and decided we wanted to focus on the issue.

Before I was elected to the Senate, I spent 8 years serving as chief prosecutor in Hennepin County, which includes Minneapolis. Drug cases made up about one-third of our caseload, which meant we handled everything from trafficking and selling to production and manufacturing. From this position, I had an opportunity to see firsthand the devastating impact of drug addiction.

Mr. President, I see my colleague from Indiana has arrived. I am managing the bill for this hour, and if he wants to speak, I can go back and finish my remarks later. I will just finish up while he is getting back to his desk.

I was talking about my time as county attorney. Many of those people who were affected by addiction that we saw were hooked on opioids, including both heroin and we saw the start of this prescription painkiller epidemic.

We would be sadly mistaken if we think drug abuse only happens in our cities or the metropolitan areas of our States. As I saw this weekend—when I met with some of our people—Beltrami County, MN, received three emergency calls for heroin overdoses in 1 day. One of those individuals passed away. So this is happening every day.

Mr. President, I am going to turn it over now to Senator COATS of Indiana. I see he is here to support this bipartisan bill, but I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to thank my colleague from Minnesota. I am here to talk about opioid abuse as well, although I am trying to combine two speeches. Since we are now talking about the opioids abuse and drug addiction, I am more than happy to listen to the Senator from Minnesota finish her speech. I thank her for the time, but I want to make sure I am not also unduly holding my colleague back as I flip through my weekly "Waste of the Week" because I can delay that, if necessary.

Mr. President, I am joining my colleagues here. I believe all of us are deeply concerned about the drug addiction epidemic that is sweeping through our Nation. It is an epidemic for people of all ages, but it is most tragically an epidemic for our young people who feel a sense of immortality when they are young and often fall prey to the "just try it, it is harmless, don't worry about the addiction." Obviously, that is not the case. We are talking about highly addictive drugs and heroin that is coming into our country, and we are talking about serious consequences of this.

In our States, as in every other State, it is a major crisis, and we are trying to do everything we can to address that. In one county alone, we have had an unprecedented rural HIV outbreak as a result of the sharing of needles to inject opioids. These needles that are providing the kind of drug addiction we read about every day.

It is clear the legislation before us is a comprehensive approach, and that is needed. As I have said, I think we have to have an all-hands-on-deck effort here, whether it is prevention, whether it is law enforcement to keep the drugs from coming in or whether it is treatment. It is all three, and it requires not only those three components but communities and community organizations, whether Federal, State, local, or volunteer organizations, such as the various charities that are operating and their volunteers who are stepping up. All of us need to get involved in all aspects of dealing with this.

I am pleased to cosponsor the bill Senators PORTMAN and WHITEHOUSE have worked on, CARA, which has been talked about on the Senate floor. I am proud to be a cosponsor of this bipartisan legislation. The legislation includes a provision Senator BLUMENTHAL and I, on a bipartisan basis, have offered, which authorizes individuals who are authorized by the State to write prescriptions for controlled substances, such as physician assistants and nurse practitioners, to access State prescription drug monitoring programs—so-called PDMPs—to reduce drug abuse. I will not go into the details of that program, but it has been very successful in terms of providing the transparency and the information necessary so we can control prescriptions and the output of drugs

that are perhaps prescribed for legitimate purposes but are used for illegitimate reasons.

For all of that, I look forward to our being able to work through this legislation and to successfully pass this legislation and move it on through the Congress and to the President.

#### WASTEFUL SPENDING

Mr. President, if I could also, ask for the indulgence of my colleague from Minnesota, to talk briefly about my waste of the week. I think this is the 35th or 36th week. I have almost lost track of the number of weeks I have been down here. Every week the Senate has been in session I have been down, with maybe one or two exceptions, talking about the waste of the week.

Waste of the weeks are simply issues documented, through a nonpartisan process, of waste, fraud, and abuse that occur through the irresponsible spending and oversight of our bureaucracies here in Washington. Today I am highlighting two policies that have occurred within the State Department and the Federal Aviation Administration.

Frankly, I could be talking about every agency in the Federal Government that has fallen prey to a lack of oversight. We have come to the point where we have identified over these "Waste of the Week" speeches well over \$150 billion of documented waste, fraud, and abuse.

These are issues that have been raised through inspections and analysis by the Government Accountability Office by the inspectors general of various agencies whose job it is to delve in and find out how the taxpayer money is being spent—is it being spent for the legitimate purpose of providing the service that is needed or is there a problem either in mismanagement or through waste or are criminals and others taking advantage of the program? I have now documented, as I said, 35 of those cases totaling well over \$150 billion.

Today we want to look at two agencies as examples of this. I can go through every agency, but we will take two today. One is the State Department. Let me note it is estimated that changing the policies here could save the taxpayers an estimated \$295.6 million. That is not small change. Just addressing these two agencies \$295-plus million it will save.

Let me go into a little bit of detail. State Department employees located overseas—those serving in embassies or consulates—have access to what is called a purchase card. The concept is OK. The idea is that rather than go through all the paperwork and processing and sending back to the United States, employees can say: Look, we need some office supplies. We didn't order enough initially. We need to pick up 100 Scotch tape containers or pens or who knows what. A purchase card is given to those employees who are responsible for providing those supplies to make what is called simple transactions.

To prevent the wasteful use or fraudulent use of these purchase cards, Federal law and State Department guidelines require all transactions meet certain eligibility criteria and be continually monitored. We know from experience that mistakes are made. We know from experience that fraud is committed. One of those key eligibility criteria is that all of the purchase receipts have to be retained for a minimum of 3 years. That is so inspectors general can go back and look at what the purchase is, look at the receipt, make sure everything is up to speed and done within the law.

However, a recent report by the State Department inspector general has revealed that overseas employees have been told they do not have to send any purchase documentation to their supervisors in Washington for further review. All they need to do is keep the receipts of the purchases for a 3-year period of time so that if those assessments are evaluated, when someone comes back and says "We heard there is a problem here," they will have the receipts to verify whether the purchases were legitimate or not. That is the "trust but verify" that I think is important for dealing with these kind of situations.

When the State Department inspector general tried to access the documentation for purchase card transactions as required by the law and by State Department regulation, he found that many of the overseas offices didn't keep their transaction records. As an example, in fiscal year 2014, the inspector general found that more than half of overseas offices either didn't perform reviews of purchase card transactions as they are required to do or didn't even respond to the inspector general's request to produce the documentation. The report determined that during 2013 and 2014, there were \$53.6 million in unaccounted purchases. That is unacceptable.

If you take a job, you are told: Here is your card. If you need to buy something locally and don't want to go through all the rigmarole of purchasing and sending documentation overseas and so forth, you can use this purchase card. But you have to keep the documents if you do this because you are going to be reviewed. Someone is going to come over here and say: Prove it.

Yet the State Department has basically said: Don't worry about it. You don't have to keep those—probably thinking that they will never come over and follow up on this. So that \$53.6 million in unaccounted-for purchases at this rate, over a 10-year period of time, amounts to about \$263 million in unknown and unverified purchases just within the State Department's overseas offices. Who knows what is going on here?

Secondly, I want to talk about the Federal Aviation Administration because they have a similar situation that was inspected by their inspector

general. He found that many employees do not comply with the guidelines, and the employees are not consistently held responsible for safeguarding their assigned equipment and supplies, such as digital cameras, laptops, and any other number items. As a result, the Federal Aviation Administration IG, the Inspector General, found that there are nearly 15,000 pieces of equipment and material that employees may not be able to locate. The combined value of that missing property is over \$32.5 million.

To make matters worse, the IG report states that the FAA division that essentially lost \$32.5 million worth of equipment doesn't even have the authority to hold employees accountable. Not a bad job, right? It is as if they are saying don't worry: If you mess up, if you do something illegal, fraudulent, or you are just sloppy you're not responsible, if you don't know where the equipment is, if you don't keep track of it, you will not have to be accountable for that lost equipment.

No American business could function this way and stay solvent. But walk back an employee there and say: "What happened to the new laptop that we gave you 6 months ago?"

They would say: "I don't know. I don't know where it is. I need another one."

"That's fine. Don't worry. This happens all the time. We will give you a new one."

On and on it goes. That division of the FAA essentially has lost \$32.5 million worth of equipment, and, again, it doesn't even hold its employees accountable.

We have racked up nearly \$19 trillion of debt in this country. No one can explain how large an amount of money that is. What we do know is that we are continuing to plunge into debt, and we are going to keep doing that. One of the ways we can be more accountable here is what I have just described.

I know my time is running out. With that, I am going to add this week to our accumulating waste \$295.6 million for these unknown, unverified purchases, bringing our total now to \$157.5 billion. It is time to put a stop to this. It is time to enforce these rules and regulations. It is time to be sensitive to the fact that we are wasting hard-earned taxpayers' dollars.

With that, keeping on schedule, I thank my colleague from Minnesota for the time which she has yielded, and 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.

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

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I come to the floor today to speak in

favor of our bill, the Comprehensive Addiction and Recovery Act. I thank Senator WHITEHOUSE, Senator PORTMAN, and the Presiding Officer for their leadership. We have worked together on a bipartisanship basis on this bill from the beginning. Our Nation, as we know, is facing a serious problem with drug addiction, and I am glad to join my colleagues to talk about how we can handle this problem and how we can do something about it.

Earlier in my speech today I referred to a group that I met with in Montevideo, MN, with only a few days' notice. All the doctors in the town showed up. The sheriff, the police chief, and regular constituents poured a bunch of medications on the table to show how much we are seeing in terms of overprescription and how this can so easily get in the wrong hands or turn people into addicts.

I came to this issue first as a prosecutor. I spent 8 years serving as the chief prosecutor in Hennepin County, which includes Minneapolis. Drug cases made up about one-third of our caseload, which meant we handled everything from trafficking and selling to production and manufacturing. From this position, I had an opportunity to see firsthand the devastating impacts of drug addiction. Many of those affected were hooked on opiates, including both heroin and prescription pain medication. But even when I left that office in 1998, I didn't see anything near what we are seeing today. We were starting to see the beginnings of the addiction on prescription drugs, but nothing like we are seeing today. In fact, four out of five heroin users are getting their start by misusing prescription drugs.

We would be sadly mistaken if we thought this was only an urban problem. We know it is a huge problem in our rural areas. In Beltrami County, MN, just this past weekend there were three emergency calls for overdoses. One of those people passed away. That is a rural county in our State on one weekend.

Many of those who have been affected by this epidemic are young people. Over just 6 months in 2013, three people died of opiate overdoses and another three were hospitalized for overdosing on heroin in one 7,000-person town in Minnesota. These statistics and stories are troubling, and they show why we must focus on both treatment and prevention.

Minnesota is home to Hazelden Betty Ford Addiction Treatment Center. We are proud of the work and the leadership our State shows when it comes to treatment—one of the reasons I got involved in this issue. Hazelden Betty Ford has had impressive success with its comprehensive opiate response program. Their program offers the best of both worlds: lifesaving medicine to help treat the medical causes of addiction, as well as counseling to help people get on the right path.

However, too many people have been unable to get the treatment they need.

Almost 10 percent of Americans are estimated to need treatment for issues related to drug and alcohol, but only about 1 percent receives treatment at a specialty facility. That is why my colleagues and I have come together to introduce this bill.

Our bill covers strategies for prevention, evidence-based programs such as strengthening prescription drug monitoring programs—something I worked on with the Presiding Officer. These types of programs help States track data on controlled substances like opioids so that when they are dispensed, they can be a strong, effective tool in making sure that they are used for the right reasons.

This last week I was near the South Dakota border. There were doctors who knew patients were also going into South Dakota to get prescriptions. It was very difficult for them to trace what was going on—which pharmacy they would go to in rural areas. They could drive an hour and go to a different pharmacy, drive another hour and go to a different pharmacy—maybe see a different doctor in South Dakota and maybe check into an emergency room somewhere else. That is going on today in our country.

Another important provision in our bill will help make drugs less accessible by providing consumers with safe and responsible ways to dispose of unused prescription drugs. According to the DEA, more than 2,700 tons of expired, unwanted prescription medications have been collected through these programs since the drug take-back law that we passed in 2010 was put into place. That is a bill I worked on with Senator CORNYN, who is also on the Judiciary Committee with me. It is called the Secure and Responsible Drug Disposal Act. It took a long time for the DEA to get their act together to get the rules up. The rules came up, and guess what. Literally, a few months later, Walgreens has now said they will offer kiosks and places for people to return drugs on a nationwide basis. Right now, we have law enforcement doing it. Minnesota is at the front of the curve. We have some of our libraries taking these drugs into secure facilities. But the best would be that the places where people got the drugs would also be taking back the drugs. So we are glad that bill has finally helped in that way.

We believe this bill before us today will help even more. We also have in this bill increasing the availability of naloxone, which is used to save lives in emergency overdose situations and a number of things that are going to be helpful going forward. This bill is a framework, but it is an important step forward that the Federal Government is finally saying to the Congress and the Senate that we need to take steps here.

Our bill has the support of a broad range of stakeholders, including the National District Attorneys Association, the Fraternal Order of Police, the National Association of State Alcohol

and Drug Abuse Directors, Faces and Voices of Recovery, and the Major County Sheriffs' Association.

Finally, we must also recognize that combating this kind of drug abuse will require a serious investment of resources. It is for that reason that I have cosponsored Senator SHAHEEN's amendment to appropriate emergency funding to address the heroin and opioid drug abuse epidemic. I am hopeful that the Senate will come together to curb the problem of prescription drug abuse and save lives across our Nation. I am hopeful we will pass the amendment as well as our bill. I think there will be a number of other good amendments that are considered, including medical education and other things that need to be done here.

I see this bill as the beginning and not an end. I think more work is going to have to be done with funding. I think more work is going to have to be done with the prescription drug monitoring. We have a start here. But when people and addicts are crossing State lines, when we have a very difficult situation with trying to regulate where the drugs are and how many are going out—I figure that if a Target in my State can find a pair of shoes in Hawaii with a SKU number, we should be able to figure out if people are getting too many prescription drugs. We should be able to educate our doctors so they are not giving them out in quantities that are too big. These are some of the things I am going to continue working on.

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

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

#### FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Madam President, each of us has taken an oath to support and defend the Constitution of the United States. President George Washington called the Constitution the guide that he would never abandon. The Constitution declares itself to be the supreme law of the land, and more than 90 percent of Americans say it is very important to them. Unfortunately, basic knowledge about the Constitution is dangerously inadequate. I say this is dangerous because, as James Madison put it, only a well-instructed people can be permanently a free people.

The current debate over when to fill the Supreme Court vacancy left by Justice Antonin Scalia's death only magnifies my concern. Ignorance of not only how the Constitution applies to this question but even what the Constitution says apparently extends far and wide.

Here is the text of the Constitution regarding the appointment of judges



and other public officials: The President “shall have Power . . . [to] nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.”

I could hardly read that on the chart from this side here. I should have done it by memory.

The President “shall have Power . . . [to] nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.”

This is what the Constitution actually says, right here for everyone to read. The Constitution gives power to nominate to the President and gives the power of advice and consent to the Senate. It says nothing about how the President and the Senate should exercise their separate powers. In fact, the judicial confirmation process has been conducted in different ways, at different times, and under different circumstances.

Our job is to determine how, under current circumstances, best to exercise our power of advice and consent. Several factors convince me that the best way to do so is to defer the confirmation process for filling this vacancy until the next President takes office.

First, this is only the third Supreme Court vacancy in nearly a century to occur after the American people had already started voting for the next President. In the previous two instances, 1956 and 1968, the Senate did not confirm a nominee until the year after the Presidential election.

Second, the only time the Senate has ever confirmed a nominee to fill a Supreme Court vacancy created after Presidential election voting had begun was 1916. That vacancy arose only because Justice Charles Evans Hughes resigned to run against President Woodrow Wilson, a completely different situation than we have before us today.

Third, the judicial confirmation process has become increasingly combative, especially for the Supreme Court. Attempting to conduct this process in the middle of an already divisive Presidential election campaign would be especially difficult.

Fourth, President Obama’s judicial appointees and Justice Scalia represent two radically different kinds of judge. This offers the American people a unique opportunity to express, through the election, their view of the direction the judiciary should take by electing the President who will make judicial appointments in the next 4 years.

In June 1992, then-Judiciary Committee Chairman JOSEPH BIDEN, a friend of mine, made the very recommendation that we are following today based on some of the very same factors that I just mentioned. In par-

ticular, he noted that the appointment process would take place in divided Government during a Presidential election process that was already under way. He could have been describing 2016 instead of 1992.

The Constitution does not mandate a particular process to address this Supreme Court vacancy. We have to look all the way back to the 19th century to find a year in which the Senate confirmed a Supreme Court nominee of the other party in a Presidential election year. That, of course, was long before the courts became as powerful and the confirmation process as confrontational as they are today. Democrats can read the Constitution and understand the historical and political facts as well as anyone else. Why then are they making such bizarre claims?

Last week, for example, the minority whip said that the Constitution requires “a fair hearing and a timely vote.” He claimed that this conclusion comes from the plain text of the Constitution. Well, I have the plain text up here, and it clearly says nothing whatsoever about hearings or votes. As I said, the Constitution gives the power to nominate to the President and the power of advise and consent to the Senate and leaves to each the judgment about how to exercise their respective powers.

Last week the Senator from California, Mrs. BOXER, said that deferring the confirmation process would be an abomination. She said that the Constitution’s standard for the Senate’s advice and consent role does not change with the party of the President making nominations. Yet she voted 25 times to filibuster Republican judicial nominees, including to the Supreme Court. She voted not simply to defer the confirmation process, as we are doing today, but to prevent a confirmation vote from ever taking place. If the confirmation process should not change with the President’s party, then she should have no problem with the decision we have made since it is less drastic than the blockade she promoted just a few years ago.

Also last week, an email solicitation signed by one of my Democratic colleagues asking for petition signatures claimed that the Senate has a “fundamental duty to confirm nominees to the Supreme Court.” I would like to think this is simply an egregious typographical error because it goes beyond even the false claim that the Constitution requires hearings and a vote. If the Senate has no choice but to confirm a President’s nominees, what is the point of giving the Senate a role in the process at all?

I will say it again in the hope of clearing up what should not have been confused in the first place: The Constitution gives to the President the power to nominate and to the Senate the power of advice and consent. These are separate and independent powers, and the Constitution does not mandate

any particular way for the President and the Senate to fulfill their responsibilities.

Because this fact is evident on the face of the Constitution, I cannot understand my colleagues who say that the President has a 4-year term. That observation has nothing at all to do with anything before the Senate. The Senate is not doing a single thing and cannot do a single thing to interfere with the President’s power to nominate. He can exercise that power in any way he chooses, including sending nominees to the Senate up to his very last day in office. He can do that. Nobody that I know of disputes that. My dispute would be as to whether it is wise to do it right up to the very last day in office, but nobody really disputes that he can exercise that power in any way he chooses, including sending nominees to the Senate up to his very last day in office. What the President cannot do is dictate to the Senate how we exercise our separate power of advice and consent regarding those nominees.

Liberal allies of Senate Democrats are similarly confused. I received a letter signed by liberal groups, for example, claiming that the Constitution requires “timely hearings and votes.” It almost sounds like Democratic Senators and leftwing groups are sharing talking points—almost.

Let’s look once more at the language of article II. I will refer to the chart. Tell me, where is the language about hearings and votes? I understand that Senate Democrats and their leftist allies want a timely hearing and confirmation vote this year to replace Justice Scalia, but wanting a particular confirmation process and saying the Constitution requires that process are two very different things.

Some of the groups signing that letter—in particular, I noticed the Leadership Conference, the Alliance for Justice, and People for the American Way—actively urged Senators to filibuster the Supreme Court nomination of Samuel Alito. In 2006 they opposed the very confirmation vote that today, just 10 years later, they say the Constitution requires. Democrats and their liberal allies must be reading the same made-up, shape-shifting Constitution that their favorite activist judges use because the real Constitution says no such thing.

Democrats’ arguments contradict not only the plain words of the Constitution but also their own words and actions in considering nominees of a Republican President.

As to hearings, then-Chairman PAT LEAHY denied a hearing to nearly 60 judicial nominees in less than 4 years while George W. Bush was President.

As to confirmation votes, the minority leader said in May 2005 that claiming the Constitution requires a confirmation vote would be, in his words, rewriting the Constitution and reinventing reality. That was by the current minority leader. Here is what he said then:

The duties of the United States Senate are set forth in the Constitution of the United States. Nowhere in that document does it say that the Senate has a duty to give Presidential nominees a vote. It says that appointments shall be made with the advice and consent of the Senate. That's very different than saying that every nominee receives a vote.

That was the minority leader, who was then the majority leader. Well, think about that.

The duties of the United States Senate are set forth in the Constitution of the United States. Nowhere in that document does it say that the Senate has a duty to give Presidential nominees a vote. It says that appointments shall be made with the advice and consent of the Senate. That's very different than saying that every nominee receives a vote.

I mentioned one Democratic Senator who voted 25 times to prevent confirmation votes on judicial nominees, as did the minority leader, minority whip, Senator LEAHY, and Senator SCHUMER as well. In fact, Vice President BIDEN himself, when he served in this body, voted 29 times to filibuster Republican judicial nominees. While President Obama today says that the Constitution requires us to vote on a Supreme Court nominee, as a Senator, he, too, voted to prevent any confirmation vote for Supreme Court nominee Samuel Alito. In other words, these Senate Democrats voted over and over to deny the very confirmation vote that today they say the Constitution itself requires. They cannot have it both ways. Do we have multiple Constitutions, one to use for a President of your own party and another for the President of another party? Democrats today have no credibility whatsoever to dictate how the confirmation process should work for filling this Supreme Court vacancy.

The Constitution leaves to the President how to exercise his power to nominate and to the Senate how to exercise its power of advice and consent. Recent claims to the contrary are inconsistent with the plain text of the Constitution and with past words and actions of the very Senators and grassroots activists making those claims today.

The question is when, not whether, to fill the vacancy left by the untimely death of Justice Scalia. The best answer is to defer the confirmation process until after the next President takes office. Far from ignoring or shirking our responsibility, that conclusion tackles our responsibility head-on for the good of the judiciary, the Senate, and the country.

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

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

HONORING DEPUTY DEREK GEER

Mr. GARDNER. Madam President, it is with a heavy heart that I rise today

to honor the life and work of Mesa County Sheriff's Deputy Derek Geer. On Monday, February 8, Deputy Geer was dispatched to a call about an armed individual in a local neighborhood. As members of our law enforcement do every day, Deputy Geer, with courage and care, responded to that call and through the senseless act of another, this son, husband, father, and friend, lost his life.

Deputy Geer served with the Mesa County Sheriff's Office for nearly 15 years. As a veteran of the Navy, his service to others began long before his role as a law enforcement officer. Service and duty to his country and his community exemplified Deputy Geer's selfless concern for others.

As a member of the Sheriff's Department, Deputy Geer served as a victim's advocate, providing support to those enduring some of life's worst difficulties. In every role he held, he always found ways to give even more.

This loss has been felt deeply across Colorado's Western Slope, the communities of the Western Slope, and our State, as we remember a man who exemplified the best of the western spirit—courage and selfless leadership.

The Grand Junction community has come together to support the Geer family and our men and women who nobly protect us each and every day. Members of law enforcement from around the State and around our Nation came to honor the life of Deputy Geer, filling the streets to pay their last respects.

Integrity, service, and community, the values of the Mesa County Sheriff's Department—values carried out since the inception of the organization in 1883—were embodied in the work of Deputy Geer.

The thin blue line represents the men and women in law enforcement protecting the public from those who seek to harm and cause destruction. Our officers do not waiver at the dangerous calls and unknown situations. They face them in this line of duty, and they do so out of a love and loyalty for their neighbors and community.

I am grateful for the work of those at St. Mary's Medical Center who cared for Deputy Geer, as his last act was perhaps the most selfless of all—to give his organs to others in need.

As Mesa County deputies shrouded their badges, we too shared in mourning the loss of Deputy Geer, and we will continue to honor his life and legacy.

My deepest sympathies and prayers go to Derek Geer's family, his two children and his wife Kate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I, too, would like to extend my condolences to the family in Colorado and to the Senators from Colorado for their loss.

RETURN FROM SPACE OF COMMANDER SCOTT KELLY

Madam President, I wish to call to the attention of the Senate that to-

night, around midnight, we are expecting the return from space of Commander Scott Kelly, who has been in space for almost a year. He has been on the International Space Station for 340 days. It is an experiment regarding not only all of the things he has done in doing experiments—all kinds of physical things—but we are specifically doing a test to compare the effects of zero gravity on the human body for an extended period of time and, of all things, comparing him to his twin brother, an astronaut commander who was in command of the next-to-the-last space shuttle mission in 2011. In that case, it was Commander, now Navy, Retired, Captain Mark Kelly. So we will have an identical twin so NASA can then see the effects of the physical, emotional, and psychological effects, because as we prepare to go all the way to Mars in the decade of the 2030s, there is going to be a lot we are going to have to learn in long-duration space flight, and long duration in zero gravity is going to be one of the things we have to be able to adapt to.

This Senator was only in space for 6 days. The human body readapts when you get back to Earth fairly quickly. For the long duration, and in this case a year, there is going to be a significant readaptation, as we have seen by some of our Americans who have been up for months and months but nobody as long as a year.

In the old Soviet program, they put up cosmonauts for a year, and there are changes that occur, but in those intervening years we have become so much more aggressive in how we keep in a physical exercise activity on board the space station, which is what it would be on a Mars mission as well, trying to replicate through stress machines the fact that we don't have gravity, but replicating that, and trying to keep up the bone density and the muscle tone. We have to work at it, and the astronauts on board the space station do that.

Scott Kelly has been up there for a year, and we will compare that with his identical twin brother Mark Kelly, who has flown several times in the space shuttle.

I will report to the Senate tomorrow, since he is supposed to return in early morning to Kazakhstan. That is somewhere just before midnight here on eastern time, and I wanted to alert the Senate to this because we are right on the cusp of doing a whole number of things as we prepare to go to Mars. This is certainly one of the significant events, and we will see how Scott Kelly is doing.

In the meantime, we say Godspeed on his fiery reentry into the Earth's atmosphere. Our hopes and our prayers go with him as he and his crewmates return. I will be able to report to the Senate tomorrow.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here to deliver my climate remarks, but I wish to thank the Senator from Florida for his description of what is happening up in space and what our fellow Americans have achieved. One of the unforgettable moments of my time in the Senate has been to hear Senator NELSON's description of the events that led up to his space flight, the experience of his space flight, and, frankly, the spiritual nature of the events and the effects on his life. It has been impressive, and I am honored to serve with Senator NELSON.

## CLIMATE CHANGE

Mr. President, as the Presiding Officer knows, this is my 129th "Time to Wake Up" speech to my colleagues about the serious threat of carbon pollution and our responsibility as Senators to heed that threat and to take steps to soften the blow of climate change. With each passing week, the evidence of climate change continues to mount and public understanding of the stakes of the climate crisis continues to grow.

Worldwide, 2015 was the hottest year since we began keeping records back in 1880, according to both NOAA and NASA. The last 5 years have been the warmest 5-year period on record since the World Meteorological Association. We know the amount of carbon in the Earth's atmosphere has risen to its highest level in at least 800,000 years—probably several millions of years but at least 800,000 years. Global sea levels are rising along our shores at their fastest rate in nearly 3,000 years. The current rate of change in ocean acidity is already faster than at any time in the past 50 million years. Our oceans are acidifying more rapidly than they have at any time in 50 million years. We measure that from the geologic record.

The American people get it. They understand that climate change is real. More than three out of every four Americans believe that climate change is occurring and that doing nothing to reduce future warming will cause a very or somewhat serious problem for the United States—three out of four. Even the majority of Republicans now acknowledge global warming, with 59 percent saying the climate is changing. When asked, do you think that the world's climate is undergoing a change that is causing more extreme weather patterns and the rise of sea levels, 70 percent said yes.

The American people have an extraordinarily diverse and qualified array of expertise supporting those convictions: virtually every major scientific society and agency, our American military and national security and intelligence officials, leading American companies, doctors, and faith leaders.

So the truth is winning out, right? The polluters' campaign of deception and misinformation has been thwarted, right? Well, wrong. They are still at it.

A network of fossil fuel-backed front organizations with innocent sounding

names still propagates counterfeit science in an attempt to cast doubt on the actual American scientific consensus. This network of polluter-paid deceit and denial has been well documented by Dr. Robert Brulle at Drexel University, Dr. Justin Farrell at Yale University, Dr. Riley Dunlap at Oklahoma State University, and others. Dr. Brulle's follow-the-money analysis, for instance, diagrams the complex flow of cash to these front groups—a flow that the polluters persistently try to obscure. Dr. Farrell's quantitative analysis of words written by climate denial organizations revealed a complex climate denial apparatus that is "overtly producing and promoting skepticism and doubt about scientific consensus on climate change." "Doubt is their product" is the famous phrase.

Dr. Constantine Boussalis at Trinity College and Dr. Travis Coan at the University of Exeter released a new study in December examining more than 16,000 documents from 19 conservative think tanks over the period 1998 to 2013 and found "little support for the claim that the era of science denial is over—instead, discussion of climate science has generally increased over the sample period."

Their study demonstrates that in spite of the broken global heat records over the last decade, rising sea levels, and accelerated melting of polar ice sheets, these conservative think tanks have, in recent years, actually increased their polluter-paid attacks on science.

The study explains these think tanks "provide a multitude of services to the cause of climate change skepticism." These include: offering material support and lending credibility to contrarian scientists sponsoring pseudoscientific climate change conferences, directly communicating contrarian viewpoints to politicians—which is how we get infected here—and disseminating skeptic viewpoints out through the media.

It follows a playbook of fraudulent deception that we have seen before from industrial powers fighting to obscure the harms their products cause, tobacco being a fine example.

In 2002, the conservative strategist Frank Luntz summed up the scheme in a memo to the Republican Party, since leaked, titled "Straight Talk." Here is what Mr. Luntz said:

Should the public come to believe that the scientific issues are settled, their views about global warming will change accordingly. Therefore, you need to continue to make the lack of scientific certainty a primary issue in the debate . . . The scientific debate is closing [against us]—

He said back in 2002—

but not yet closed. There is still a window of opportunity to challenge the science.

This is the climate science version of the infamous 1969 tobacco industry memo that declared that "Doubt is our product."

In her recent book "Dark Money," Jane Mayer describes in-depth the

means by which fossil fuel interests put their wealth to use exerting outsized influence on our American political process. First, she describes, they invest in intellectuals who come up with ideas friendly to the industry. Then they invest in think tanks to transform these ideas into "marketable policies"—stuff they think they can sell. As one environmental lawyer explains, "You take corporate money and give it to a neutral-sounding think tank" which "hires people with pedigrees and academic degrees who put out credible-seeming studies. But they all coincide perfectly with the economic interests of their funders." Ms. Mayor describes this as the "think tank as disguised political weapon."

Not surprisingly, think tanks in the climate denial scheme tend to be funded by fossil fuel interests like ExxonMobil and the Koch brothers or their fronts. The Kochs and their ilk use dark money channels to funnel money through a labyrinth of non-profit groups that make the full extent of their meddling difficult, if not impossible, to fully determine. The Boussalis and Coan study identifies the Heartland Institute as a particularly important cog in the polluter-funded climate denial apparatus. According to their study:

Heartland's shift towards science-related themes . . . dovetails with Luntz's famous "Straight Talk" memo. It is therefore not a surprise that for a decade it has organized the annual International Conference on Climate Change (also known as Denial-a-Palooza), which serves as a forum for climate science deniers, or that it [Heartland] made headlines in 2012 after launching a controversial ad campaign which equated climate scientists with Ted Kaczynski, the Unabomber.

Climate scientists, such as the ones who work at NASA and NOAA, are being equated with Ted Kaczynski, the Unabomber—very responsible behavior by Heartland, but Heartland gets big bucks from the fossil fuel industry and its front groups for this service.

Unfortunately, that is not all. Behind this well-paid conspiracy to fool the American public, which is failing, is a related political effort, which is not. The polluters are losing with the American public, but they still control Congress. Huge sums of dark money are spent on politics, particularly right here in the U.S. Senate and House of Representatives.

As NYU law professor Burt Neuborne has written, "rivers of money flowing from secret sources have turned our elections into silent auctions."

How huge are these rivers of money? Each election sets new records. In the 2012 Presidential cycle, the nonpartisan Center for Responsible Politics reported that dark money groups spent over \$300 million, with over 80 percent of it coming from Republican-leaning outfits.

The torrent of dark money flooded the 2014 midterm elections, making them the most expensive midterm elections in American history. According to the Washington Post, at least 31 percent of all independent spending in

that election came from groups not required to disclose their donors—dark money. That doesn't even count spending on so-called issue ads, which is also not reported.

In this 2016 election cycle, dark money spending has broken new records again. These dark money groups, according to the Center for Responsive Politics, "are more integrated into campaigns than we've seen in the past." The Koch brothers' political network alone has vowed to spend \$750 million this election cycle. They are through \$400 million already and climbing. And the \$750 million they have vowed to spend is more than the Bush and Kerry campaigns combined spent in 2004.

In our political debate, dark money dollars drown out the voices of average citizens with what has been aptly called "a tsunami of slime." All that money is not spent for nothing. As one secret corporate donor exulted, "We can fly under the radar screen. . . . There are no limits, no restrictions, and no disclosure." The result stinks, and it is polluting our public discourse.

The sad part is that it is working. Not one Republican Senator will stand up and address climate change in a meaningful way. I have a bill modeled on what conservative economists and the out-of-office Republican officials who are willing to address climate change all recommend as their solution. I did it their way—not a single cosponsor.

In the Presidential primary, it is even worse. One leading candidate has actually declared that "the concept of global warming was created by and for the Chinese in order to make U.S. manufacturing noncompetitive." Tell that to NOAA, NASA, the U.S. Navy, and every single American National Laboratory. It is a preposterous statement offered by a person who presents himself as qualified to be President of the United States.

Another candidate—this one, I am sad to say, a Senate colleague—simply shrugs and says, "Climate is always changing." No, not like this. And if you don't believe me, ask NOAA, NASA, the U.S. Navy, and every single American National Laboratory.

Yet another candidate who is also a Senator dismissed the solid American scientific consensus on climate change as "partisan dogma and ideology." Tell that to the scientists at NOAA, NASA, the Navy, and every single one of our National Laboratories, that what they are doing is not legitimate science, but it is partisan dogma and ideology. Again, that is a preposterous remark, but they have to say those things because the big fossil fuel money is so powerful in that primary race that they don't dare cross them.

The powerful fossil fuel interests have created a beautiful situation. They no longer care which candidate wins the primary because they have schooled them all to climate denial. That is the achievement of dark

money, and it is an achievement that is disgracing our democracy and will darken our reputation for decades. Its effect is that we do nothing—exactly what the big polluters want, exactly what the big polluters paid for. It is just sickening what these secretive special interests and their dirty dark money are doing to our American democracy.

It is time to wake up, Mr. President. I thank you.

I yield the floor.

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

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

#### WHOLE WOMAN'S HEALTH V. HELLERSTEDT

Mr. WYDEN. Mr. President, tomorrow the Supreme Court will hear oral arguments in the case *Whole Woman's Health v. Hellerstedt*. The central issue of this case is an attack by the State of Texas on women's health and the clinics that provide abortion services.

I wish to begin by stating clearly that in our country women have a constitutionally protected right to make their own choices about their bodies. That is the law of the land, as guaranteed to women in Oregon and nationwide by the Supreme Court in *Roe v. Wade*.

The 2013 Texas law at the heart of this case, HB2, is a thinly veiled attempt to block women's choice by setting unjustifiable and burdensome requirements on the doctors and clinics that offer abortion care. Despite what HB2 supporters say, it doesn't have anything to do with protecting women's health. And the reality is, complications from abortion procedures are exceedingly rare. In fact, the numbers show that abortion care is far safer than colonoscopies. Yet Texas law doesn't go out of its way to impose comparable requirements on facilities providing colonoscopies. HB2 unfairly targets women's health clinics.

To make this point directly, I wish to briefly quote from an amicus brief filed by the trusted experts on these matters at the American Medical Association and the American Congress of Obstetricians and Gynecologists, among others. Their briefs said that the requirements imposed by the State of Texas "are contrary to accepted medical practice and are not based on scientific evidence." The brief continued: "They fail to enhance the quality or safety of abortion-related medical care and, in fact, impede women's access to such care by imposing unjustified and medically unnecessary burdens on abortion providers."

HB2 tells clinics, "comply with these new requirements, or close." So in the months since the law passed, the number of clinics that provides such services has, in fact, plummeted across the

State. According to reports, if HB2 is upheld, the total will drop by more than three-quarters. Texas, obviously, is a big State, and under HB2 many women are going to have to travel for hours on end to exercise a right guaranteed to them by the U.S. Constitution. The fact is, a lot of working women don't have the luxury of taking a day off or cannot afford a long and expensive trip to a faraway clinic. In effect, women are going to be denied care.

You are going to hear people on both sides of the aisle say again and again how vital it is that Americans have access to medical treatment and advice from doctors they know and trust. But HB2 flatly denies many women that protection.

I personally find it very troubling that HB2 has become a blueprint for similar restrictive laws around the Nation, bills that masquerade as women's health safety measures. For example, the State of Louisiana now has a nearly identical law on its books.

In January, 162 of my congressional colleagues and I wrote the following in an amicus brief filed with the Supreme Court: "A woman's right to decide whether to carry a pregnancy to term or to seek critical medical services, including abortion, should be insulated from the shifting political rhetoric and interest groups whose sole purpose is to erode the right to choose to bring a pregnancy to term afforded to women under *Roe*."

So here is my bottom line: A limit on the exercise of a woman's right is a limit on the right itself. It is wrong and it is un-American to restrict a person's right because it conflicts with your own views. Texas HB2 should be struck down. The rights guaranteed to women following *Roe v. Wade* ought to be protected, just as all the others that are guaranteed by the Constitution. My hope is that this ongoing crusade against women's health care, which I have spoken about repeatedly on the floor of this Senate, ought to end here, and it ought to end now.

I yield the floor.

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

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

#### MORNING BUSINESS

Mr. McCONNELL. 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.