

and promote research and treatment development.

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

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

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

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

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

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

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

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

The assistant Democratic leader.

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

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

RUSSIA INVESTIGATION

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

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

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

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

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

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

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

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

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

The second warning said:

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

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

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

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

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

he said included possible links between Russia and Trump associates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

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

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

RUSSIA INVESTIGATION

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

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

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

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

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

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

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

Those are his words, not mine.

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

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

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

TRUMPCARE

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

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