

worked as an adviser to Mitt Romney during his 2012 Presidential campaign.

While I appreciate that Dr. Gottlieb has qualifying experience, I remain concerned about his policies and conflicts of interest. For instance, while serving as the FDA's Deputy Commissioner, Dr. Gottlieb defended the Bush administration's position to deny the availability of certain contraceptive care drugs over-the-counter, despite the science that pointed to lifesaving benefits from such drugs. Additionally, while serving with Kure, a company that operates vaping and ecigarette products, Dr. Gottlieb was noncommittal in supporting regulations over commerce in such products, which directly targets young kids through marketing, when there is a lack of appropriate medical science to suggest vaping and ecigarettes are less harmful than tobacco products. He has also historically sought ways to ensure that the Family Smoking Prevention and Tobacco Control Act of 2009 can better support the industry instead of better protecting patients and their families. This is especially problematic, given that the law provided the FDA with the authority to regulate tobacco in order to further curb smoking.

I am also concerned with Dr. Gottlieb's public disagreement with proposals that would allow patients to access affordable medications through drug importation. I have always supported policies that would allow patients to access safe and affordable medications from Canada because this is a cost-effective method to provide patients with the resources they need to manage their health needs. Of course, Dr. Gottlieb has long been an outspoken critic of the Affordable Care Act, ACA, making troubling assertions along the way. He has been quoted as opposing the ACA's medical loss ratio, which ensures that the dollars consumers pay on their healthcare go to just that and not to CEO salaries and overhead costs. He has also publically opposed the individual mandate and has supported converting the ACA's premium tax credits from an income-based to an age-based rating system, which would significantly bar patient access to quality, affordable care.

Most concerning are Dr. Gottlieb's undeniable ties to some of the largest pharmaceutical companies in the marketplace. As an adviser for New Enterprises Associates, Dr. Gottlieb currently manages more than 40 drugs now in development that could come before the FDA for approval. He has also received compensation from many of these companies, earning more than \$400,000 from multiple pharmaceutical and medical device companies from 2013 to 2015 alone. Dr. Gottlieb also served on six pharmaceutical company boards, two insurance company boards, one medical laboratory company board, and several other similar boards, all of which have hundreds of drugs currently awaiting FDA approval. Without proper recusal, which

Dr. Gottlieb has not committed himself to in full, these conflicts are in direct contradiction to the ethics and objective work required of the Commissioner of the FDA.

The leader of the FDA has a firm responsibility in promoting policies and overseeing drug development with the purpose of enhancing the health and well-being of the American people. We should put ourselves in the shoes of the American people, our constituents, in evaluating nominees to head agencies that bear directly on the public's healthcare needs. Given Dr. Gottlieb's significant conflicts of interest, combined with his ideological approaches to public health policy, which suggest that he would rather deny patients access to lifesaving resources than support ways to improve healthcare and promote prevention efforts for all, I cannot in good conscience support his nomination.

Mrs. MURRAY. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. HOEVEN. Mr. President, now is the time to get back to basics. The Federal Government doesn't exist for its own sake, it exists for the people, and if Federal regulation serves no useful function for the people, then it only serves to hold back our Nation's prosperity and growth.

With so many Americans hungry for good-paying jobs, now is the time to unleash our Nation's economic potential by getting government out of the way. It is just plain common sense to eliminate regulations that are duplicative, costly, and unworkable. We need to get back to the basics by getting rid of those kinds of regulations, and one of those regulations is the BLM methane rule.

Now, the BLM methane rule is one of those midnight regulations that the Obama administration put out as they were walking out the door. This new regulation from the Bureau of Land Management—or BLM—imposes new rules and royalty rates on methane emissions from oil and gas production on Federal and Indian lands.

For those wondering why methane emissions aren't already regulated, there is a simple explanation: They are. Under the Clean Air Act, the Environmental Protection Agency, in partnership with individual States, is tasked with regulating air quality, which includes methane emissions. In fact, States like my State of North Dakota and the State of Texas, where the Presiding Officer resides, currently have regulatory systems in place to

govern oil and gas emissions. Critically, the North Dakota Industrial Commission has put in place flaring requirements that have successfully reduced the flaring in our State from 35 percent down to 10 percent as a result of their work, and they have a goal to take it even further. This flaring reduction is a big deal because to reduce methane emissions you need to reduce flaring.

Flaring sounds complicated, but it is very simple. When excess gas is produced along with oil and it can't be captured, then it gets burned off, or flared. Neither industry nor State officials like flaring because it wastes natural gas—it wastes a natural resource—of which methane obviously is the main component. As most Americans know, obviously, natural gas is a valuable commodity that is used to heat our homes and power our factories. That is why both industry and the States have worked hard to make big improvements. They want to capture that natural gas and that methane. That is not just in North Dakota. That is in other energy-producing States across the country.

Nationally, methane emissions from the oil and gas industry have been on the decline for a number of years. So we are already actively working at the State level under a regulatory regime where States have primacy to spend, authorized by EPA, to reduce natural gas flaring.

With methane emissions already being regulated and reduced by the States and industry, it is tough to figure out why this new BLM regulation has been passed and what it is accomplishing. This rule has been calculated to cost up to \$279 million each year. So the cost of this rule is \$279 million a year—a duplicative rule. That is in addition to the redtape. BLM estimates that the rule will impose an additional 82,000 hours of paperwork.

These numbers just might sound like the cost of doing business, if you will, but America's job creators know it is really costing us business, it is costing us economic growth, and it is costing us jobs. These aren't really numbers. There are livelihoods at stake.

What makes the BLM methane rule particularly burdensome is the fact that it is simply unworkable. The rule sets a maximum volume that each well can flare, which will lead to curtailment and shut-in wells, meaning actually having to shut down the wells. Of course, that decreases oil production and reduces royalty payments. So that means less energy, the owners get less revenue, and we have less jobs. Meanwhile, this rule treats all drilling spacing units the same, regardless of whether they have minimal Federal ownership. Remember, a lot of these wells they are trying to regulate are on minerals owned by the Federal Government, but they may also be on minerals owned by private individuals. So, once again, we have one of these Federal one-size-fits-all regulations that just does not work in practice.

That is why regulating the natural gas and methane emissions has been delegated to the States by EPA and why it should be up to the States.

So the States are fighting back. Wyoming, Montana, and North Dakota filed a legal challenge to the rule in the U.S. district court in Wyoming.

The good news is that the States and our economy will not have to wait until this lawsuit makes its way through the court system. We can provide regulatory relief right now, and we should do so through the Congressional Review Act—the CRA—which provides Congress with a tool to ride the Nation of burdensome, duplicative regulations like this one, and that is what our schedule is for tomorrow—to take up this CRA.

I am a cosponsor of this CRA, and we need to pass it. I wish to thank the chairman of the EPW Committee, Senator BARRASSO, for his work on this issue, and others. The House has already passed this CRA. This has already been passed by the House. The President has expressed his support for it. We need to pass it tomorrow. We need to get this done.

Every week I meet with North Dakotans and others who are working so hard to produce energy for this country, to create jobs and a better future for their families. They need and deserve a Federal Government that will not stand in their way. This is a basic but fundamental objective and a good place to reduce that regulatory burden to get our economy going. The way to create more economic growth, more jobs, and higher income levels is by reducing the regulatory burden, and this is a great example.

Again, it is just about common sense. It is about empowering the States to take a States-first approach, a State's primacy approach in terms of this kind of regulation. How we produce energy in Texas or North Dakota or Ohio or Pennsylvania or Washington State—it is different across the country. We can't have a Federal one-size-fits-all rule. That is why it needs to be left up to the States.

We have a chance tomorrow to pass this measure, and it is exactly the kind of measure that will help reduce that regulatory burden, help us grow our economy, and help us create good jobs.

I urge my colleagues to join with us and pass this CRA.

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

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

SPIRIT AIRLINES

Mr. NELSON. Mr. President, most everybody has seen the news of another disturbance with regard to an airline in an airport terminal. Indeed, what has

happened at the Fort Lauderdale-Hollywood International Airport just in the last day has been a disturbance where they had to call in the Broward County Sheriff's Office to put down the disturbance because there were some upset people.

I have just gotten off the phone with the CEO of Spirit Airlines, as well as the head of the Air Line Pilots Association, and basically have told them that they should get this thing fixed and get it fixed quick. There is not so much a labor dispute, because they are in negotiations and I think are reaching final conclusions, but, as a result of some things with the schedule, it caused a number of flights to be canceled and, unfortunately, canceled right at the last before they could let the passengers know ahead of time before they ever came to the airport. Even much more of an irritant, they load them on the airplane as if they are ready to go and then tell them they don't have a crew of pilots and, therefore, the flight has to be canceled. Those problems are going to go through today and tomorrow.

I am given to believe—having talked to the head of the pilot's union, as well as the CEO of the airline—that they will have this straightened out over the next several days. It has been costly, and it has certainly been an irritant and an inconvenience to the passengers because 300 flights have been canceled already in the past several days, and we are going to see some more canceled in the next couple of days.

Now, this all culminated in what the American television viewer has seen—a chaotic scene at Spirit's front ticket counter at the Fort Lauderdale airport after passengers had to get off of the airplane and the canceled flight. Many people have seen this video. It is now circulating online. Obviously, these passengers were very frustrated, and it took, unfortunately, the deputies coming in to put down the disturbance.

Having said that, this is just the latest. Doesn't that recall something else that has happened in the last few weeks—a passenger being dragged off of an airplane, beaten, and bloodied? Then, who has to come and get him but an element of the airport authority of Chicago. Haven't we also seen on another TV episode—and isn't this telling us something—that passengers are now recording evidence of how passengers are being treated because they have cell phones and cell phones have video cameras. So we saw an airline employee kind of go off on passengers in the case of another airline. Well, airlines, you had better start fixing this because the passengers are not going to tolerate it.

On the instant circumstance, having talked with the CEO and the head of the union, they are in these discussions. I think they are going to get it fixed. But they need to fix it fast because the traveling public only has so much patience. What happened at Fort Lauderdale was unacceptable and deep-

ly unfair to the affected passengers, the overwhelmed airline employees, and local law enforcement. It was unfair. Let's not forget, also in dealing with the Fort Lauderdale airport, that memories are still fresh of the shooting that took place in January at the baggage claim.

Now, what happened just last night in Fort Lauderdale is just another example of passengers becoming sick and tired of what they perceive as mistreatment by airlines, be it that circumstance in Chicago with the forcible removal of a passenger, or be it failing airline IT systems and airline fees run amok. So the airlines had better start paying attention to this.

It appears airlines are giving the impression that they have forgotten their customers must come first. So what is it? I know the airline companies don't intend to do this, but it is happening. It is being recorded on video, and it is all the more causing people to express their frustrations.

I have no trouble in putting the airlines on notice. If they can't get their act together and start treating the flying public with respect rather than making them think they are self-loading cargo, then this Congress is going to be forced to act, and that time is going to come soon as the Senate begins work this year on what will be a bipartisan long-term bill to reauthorize the Federal Aviation Administration. That bill is coming later this year.

I just want to say in conclusion that we have had a hearing in our Commerce Committee on this. I thought that would be enough and this Senator wouldn't have to speak out anymore, but here, again, we have another incident. My heart goes out, for example, to some of the CEOs who are trying to change a culture of treating passengers with disrespect or ignorance. It is important they change that culture because we will continue to see these kinds of circumstances arise if passengers do not feel like they are getting the proper respect they deserve. After all, they are customers. They are paying customers of the airlines.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

All postcloture time has expired.

The question is, Will the Senate advise and consent to the Gottlieb nomination?

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.