

Rhode Island is a small State, so let me talk about a national statistic that shows the extent of this crisis. Last year, drug overdoses killed 50,000 Americans. That means more people died last year because of drug overdoses than due to car crashes or gun violence. These numbers are staggering, and it is happening in all of our communities.

Since 2011, the number of overdose deaths has increased by more than 90 percent. Unfortunately, year after year, Rhode Island continues to top the Nation in terms of rates of overdose deaths. We must work to turn this around and get more people access to treatment for opioid addiction.

In 2008, almost a decade ago, Congress enacted the landmark Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Law. For the first time, the law required insurance companies to cover behavioral health services in the same way that it would cover physical health services. This was a critical step, but it ultimately did not solve the problem, as some insurance companies have continued to find ways to avoid complying with the law—or at least its spirit.

It took passage of the Affordable Care Act to improve access to behavioral health services. For the first time, critical consumer protections, like banning discrimination based on preexisting conditions, ensured that individuals with substance abuse disorders could not be denied coverage.

Further, the ACA established a set of essential health benefits that all insurance plans must cover, including mental health and substance abuse treatment. Gone are the days when consumers would pay steep prices for health insurance that in actuality did not even cover basic health services, such as mental health care or maternity care.

In addition, the ACA prohibits lifetime annual limits on care. Before the ACA, many people with chronic health conditions, such as substance use disorders, would hit their annual cap just a couple of months into the year and then would have to pay all other costs out of pocket for the rest of the year.

Lastly, the expansion of Medicaid has made a tremendous improvement in access to behavioral health services. In States like Rhode Island that have expanded Medicaid, we have seen a sharp drop in the percentage of people with substance use disorders who seek care in the emergency department because they are uninsured. Medicaid is the single largest payer of substance use disorder services and pays for one-third of all medication-assisted treatment in the country.

TrumpCare would reverse all these gains. According to the Center on Budget Policy and Priorities, repeal of the ACA would mean 2.8 million people with substance use disorders would be at risk of losing their coverage. Repeal of the Medicaid expansion would cut

\$4.5 billion from mental health and substance use disorders for those with low incomes, to say nothing of TrumpCare's broader goal of ending Medicaid as we know it. TrumpCare would all but eliminate this critical safety net.

TrumpCare goes even further to turn back the clock on consumer protections like preexisting conditions. People with substance use disorders would be disadvantaged immediately, as their disorder could be considered a preexisting condition. This has the double effect of pricing people with mental and behavioral health issues out of the market entirely and encouraging people not to seek care out of fear of being labeled by their insurance company as having a preexisting condition.

On top of that, TrumpCare would gut the essential health benefits in the ACA. This means that there would be no rules about what health insurance must cover, such as preventive health services and mental and behavioral health services. Even with coverage, people will have to pay out of pocket for the services they need. For substance use disorders, which could add up to \$20,000 a year in out-of-pocket costs alone.

Over the last couple of years, I have worked with my colleagues on the Senate Appropriations Committee to include historic funding increases for programs that help the opioid crisis. In fact, the fiscal year 2017 omnibus provided \$511 million for prevention, enforcement, treatment, and recovery across various agencies, including over \$300 million for the Department of Health and Human Services, \$50 million for the Department of Veterans Affairs, and over \$160 million for the Department of Justice. Last year, we passed the 21st Century Cures Act, which directed \$1 billion to States to combat the opioid crisis. We must continue these efforts.

However, this week, the President released his budget proposal for next year, and it does the exact opposite. First of all, the President's budget doubles down on his plan to decimate Medicaid. The President has proposed cutting hundreds of billions of dollars from Medicaid, block-granting the program with no protections for the most vulnerable. In fact, his budget offers no details on how it plans to structure Medicaid—just that he intends to cut the program beyond repair.

On top of that, the President's budget makes enormous cuts to the Substance Abuse and Mental Health Services Agency, SAMHSA, which implements many of our most effective substance use disorder prevention and treatment programs, such as the Community Mental Health Services Block Grant Program, which President Trump has proposed cutting by over 20 percent.

Further, President Trump has proposed cutting the National Institutes of Health by nearly \$6 billion, which would interrupt critical research into

new and better ways to treat substance use disorders, along with research into how we can better treat pain without the use of addicting opioid painkillers. Coupled with TrumpCare, this budget proposal would only worsen the opioid crisis.

I am committed to continuing to work with my colleagues to prevent that from happening. I am heartened to see so many of my colleagues talk about these very issues this afternoon.

It is my hope that we will be able to work together over the coming months to ensure that the gains we have made in the fiscal year 2017 omnibus and the Cures Act are not lost. We have much more work to do, and people in my State and across the country are counting on us to do that for them.

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

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

SMALL BUSINESS REGULATORY FLEXIBILITY  
IMPROVEMENTS ACT

Mr. LANKFORD. Madam President, we have a lot of issues we are working on right now. Some of the big ones include the budget conversation. For the first time in a long time, the budget conversation really circles around, how are we going to get back to balance? It is an interesting dialogue. There is going to be a lot of dispute about elements of the President's budget. There will be a lot of controversy back and forth about aspects in the House and the Senate proposals. But for the first time in a long time, the beginning point of the conversation is, how do we get back to balance? That is a good place to start. I am pleased to see that is a part of the conversation again.

There are a tremendous number of things that have to be dealt with in this process. I want to bring up two quick ones and then talk about some of the small business issues we are facing.

One of them is that when we go through the budget process, I encourage my colleagues to deal with the budget gimmicks that are still in place in the budget process—areas that seem to bring down the deficit but we all know actually do not. Those don't help us as Americans. That may help with some sort of scoring issues; that doesn't really help where we are.

The second aspect to that is, let's actually put the appropriations bills on the floor. For the last several years, there have been continuing resolutions or omnibuses without any amendment process brought. We should be able to, in a bipartisan way, agree to bring these appropriations bills to the floor, actually have an amendment process, and actually deal with this in a public setting. There are straightforward ways to deal with our debt and deficit.

It begins with actually confronting debt and deficit in a way that will really matter.

It is interesting as well that when we talk about a lot of the big issues, regulations often come up as one of the prime problems. Regulations are often big, expensive, and deal with a lot of controversy.

Quite frankly, there are thousands of regulations out there that impact small businesses. For a small business, it is not typically just one regulation, it is the hundreds of little ones that they are constantly trying to live under. It is the culmination of all of these different regulations and trying to figure out where they are. Most small businesses don't have lawyers. They don't have compliance people. They don't have folks lined up to monitor all of these things. They have to try to figure it out as they go. They are small businesses. They are family-owned businesses. They are trying to take care of their own families and the neighbors around them. But all of these regulations come at them as well.

Let me read what Karen Karrigan, the president and CEO of the Small Business and Entrepreneurship Council, wrote in an op-ed just last week. She wrote:

Red tape is strangling our small businesses and undermining entrepreneurship. Indeed, according to [Small Business and Entrepreneurship] Council research, the cumulative loss of new businesses over the last decade totals 3.42 million missing businesses—

Not workers—

for America's economy. For existing small businesses, the per-employee cost of regulation is just over \$11,000. Excessive regulation in the U.S. has hurt our competitiveness in the global economy. The U.S. ranks No. 51 in the world for ease of starting a business, according to the World Bank. This same report is consistent with other global studies that have found American's friendliness and general "ease of doing business" has eroded year after year.

That is according to Karen Karrigan, president and CEO of the Small Business and Entrepreneurship Council, in her op-ed last week.

Each new regulation on small business adds another cost, another burden, another requirement that small businesses have to comply with. This cumulative burden is crushing small businesses.

Let me give some examples. Julian Lumber Company is in Antlers, OK. You ought to come and see Antlers, OK. It is a beautiful area of our State. Julian Lumber Company, a family-owned business, makes wooden fence posts, treated poles. If you have a telephone pole in that area or other posts and poles, it often came from Julian Lumber Company. It also has a small trucking company to be able to haul posts to retail stores across the Midwest and the Southwest. Julian employs about 50 people but recently had to shift a part-time employee who was doing compliance to full-time—doing nothing but compliance 40 hours a

week because of all the Federal regulations. When Robert Julian funded this business in 1974, he didn't set out to just create jobs for a compliance officer, he actually set out to do lumber work, but unfortunately, now his business also includes Federal compliance.

Small businesses are vital to our economy. Surely we can agree on that. They drive job creation and innovation. Excessive and poorly crafted government regulations disproportionately—the burden of them—fall on small businesses and on their growth. If Julian Lumber has to hire more people to just do compliance, not lumber, there is a problem.

Then there is Ander's Shoe Store in Miami, OK, which was founded in 1930 by Joe Ander after he immigrated to Oklahoma from Poland. Today, Ander's Shoe Store is owned and operated by Joe's daughter, Dena Ander, who is 102 years old. She has worked at Ander's Shoe Store for 86 years.

My favorite quote ever from a small business owner came from her when she said, at 101, that her health is better than her help, and so she just keeps working.

Dena Anders is not waking up every day and reading the Federal Register to find out what new Federal regulation came down. She is not trying to track through all the different compliance officers and attorneys that she would have to contact to try to figure out how to read a new Federal regulation that comes down. She is taking care of a shoe store in Miami, OK. She has two employees, but her shoe store has to live by the same regulations that a lot of large stores also have to live by.

Every Member of this body—when they are home, they talk about small businesses and the importance of small businesses and how to help them succeed. I am asking, are we as a body willing to do what we said we were going to do back home? Ninety-seven percent of the businesses in my State of Oklahoma are small businesses. Lots of us make promises to these small businesses. It is time to fulfill them.

Regulatory reform for even small businesses, for whatever reason, is becoming politicized. This is not a political, Republican-Democrat issue. Small business owners are not Republicans or Democrats; they are Americans. They are people, and this should not be a partisan issue. I would be willing to work with every Senator of any party to be able to get this done.

I have introduced the Small Business Regulatory Flexibility Improvements Act. It has passed its way through committee. It is S. 584. It does some simple things—things that should not be controversial.

It closes loopholes in the Regulatory Flexibility Act, which became law in 1980. That bill was designed to help small businesses, but there are some loopholes in it, and the agencies are going around it.

This is not a bill that I just came up with on my own; it is a bill that had

been drafted in direct response to small businesses and small business leaders around the country. It has been discussed for a long time, but for whatever reason, it has never been passed. I want to run through a few things that it does.

First, the agencies should account for the economic impact of regulations, especially on small business, and it should be the full economic impact. Agencies have this little caveat that they will do. They will say: Well, it is not a direct cost, it is an indirect cost on business. So they will put a new regulation on them and say: We are only going to count direct costs of the regulations, but we are not going to count anything indirect, such as electricity.

If they put a Federal regulation down and a State entity is then required to create new regulations based on it, they won't count the State regulations based on it.

If permitting from a different agency is required, they will say: Well, that is somebody else who does that.

Well, if you are a small business, cost is cost is cost. The Federal Government plays this game of what is a direct and indirect cost to a business. A small business does not get to play that game, and they have to pay the bills for it.

So it is a very simple thing for us to say: Include the costs. We try to get some clear language on it. An agency would have to consider "reasonably foreseeable impacts." So I get that you are not going to get every pencil in the process, but what is reasonably foreseeable, you should be able to anticipate that.

Second, we require the IRS to actually listen to small businesses before they release IRS rules. So many hours are spent by every small business complying with IRS regulations and requirements. We would like to have the IRS actually engage with small businesses when they put out policy and guidance and say: How is this going to affect small businesses? How can they work this out to make sure it is as easy as possible for small business owners?

Third, increase the transparency in the rulemaking process. Small businesses tell me that when they learn of new regulatory requirements, they are often blindsided. They had no idea the rule was even coming. In the rare instance when a small business owner speaks out to an agency, they are often confused when they see the final rule because it doesn't look at all like what they had recommended or had raised.

Years ago, there was something created called SBRFIA panels. Only Washington, DC, comes up with a term like that. Small businesses were supposed to be able to engage with the Federal Government on designing how regulations would come out. But, again, the loopholes were so present in the law that the agencies were just going around them. We need to close that.

As simple as it sounds, when an agency is creating a rule, don't you think

they should call small businesses and say: How will this work at your place, or will it work at all?

Fourth, let's deal with old rules. There are lots of regulations out there that are old, that become very complicated for small businesses to be able to maintain, and no one has ever gone back to look at them. Let's create a simple system so that when a rule comes out, it has to be reviewed within 10 years. That way, we have no rule that is 40, 50 years old, and no one has even touched it or looked at it to make sure that it still works, No. 1, and that it is not overcomplicating the process.

Finally, and here is something pretty straightforward, give first-time forgiveness for paperwork violations. When small businesses have a paperwork violation, they have a paperwork violation. They are not trying to break the law. They are not trying to violate regulations. They missed one. Why don't we give first-time grace to small businesses? Now, I wouldn't say that if they are violating health and safety issues. Obviously those are things they should have already taken care of. But just paperwork things—we have so many small businesses that get a fine because they missed a piece of paperwork. Again, so many small businesses don't have compliance people tracking this stuff for them all the time, and occasionally they make a mistake. This is still a government that works for them. They don't work for the government.

My simple recommendation is this: For small businesses, give them first-time paperwork forgiveness rather than a Federal compliance person showing up at their place with a fine. Let's be reasonable about this. That should be a simple, straightforward thing.

Quite frankly, these are all things small business owners have asked for. These were things even in the Obama administration. The chief counsel for the Small Business Administration's Office of Advocacy—this is what the Obama administration's small business advocate wanted. I don't understand how this could be a partisan issue. It is simple, straightforward, and clean. There is no hidden anything in the bill. It is trying to actually get regulatory relief and common sense back into the way we do regulations.

Over 200 trade associations representing millions of small businesses have already written me in support of this bill from all over the country—not from Oklahoma, from all over the country.

Many in this Chamber pride themselves on being the advocate for the little guy and standing up for small businesses. I would ask my colleagues if they are ready to actually put feet to those words. This is a straightforward way to do it. We talk about helping small businesses; let's actually do it. I ask my colleagues to be able to walk alongside of us and help us get this bill passed and get some regulatory relief.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### OPIOID CRISIS

Mr. MANCHIN. Madam President, I rise to speak with a lot of my colleagues coming down speaking on the opiate crisis we have in all of our States.

West Virginia has been hit the hardest in the Nation right now, and I want to speak to this because it is something we must address. This has been a silent killer for far too long.

I don't know a person who I have ever met who doesn't know somebody in their immediate family, extended family, or close friends who has not been affected by either prescription drug abuse or illicit drug use. With that, here we are.

I rise with my colleagues who have been coming down—they will be coming the rest of the day—to bring attention to this national crisis that is devastating every community. Many of the Senators you are going to hear from—and have already heard from—are from States that are dealing with an increase in this opiate abuse, just like my State of West Virginia. Just like I have, they have heard from families, community leaders who are on the front lines. They are begging for solutions, funding, and they need facilities to properly combat the scourge we have right now.

Let me say to everybody who is watching, everybody who is listening in any way, shape, or form that you are hearing this: 20 years, 30 years ago, I was as guilty as everybody in the public policy arena in government, in my State government in West Virginia. If you fooled with drugs back then, we thought, well, we will put you in prison; you committed a crime. Well, guess what. We have been putting them away for 20, 30 years, and we never cured a single soul.

Finally, we have come to the realization that addiction is an illness. Any other illness gets treatment. So we need treatment, but we don't have treatment centers. Budgets are tight.

I have a cousin who is a judge. Every day he says: JOE, I sentence people for the crimes they commit every day. He says: I have never had the first person say: Hey, Judge, we don't have a prison cell or a jail cell to put this person in. But if it happens once a day, it will happen 5 or 10 times a day, if I believe someone needs to get treatment because of their addiction, they will say: Well, Judge, I am sorry. We have no place to put them. We have no treatment centers. We will find a jail cell for you, but we will not find a treatment center because we don't have them.

The States don't have the money. Counties don't have the money. Municipalities don't have the money. The Federal Government has never dedicated enough money for this. So we keep talking about everything that happens.

Last year, over 800 West Virginians died of prescription drug abuse. They died of abuse from prescription drugs, and everyone says: Well, how do people get started? I don't know. Most of them have done heavy work in West Virginia. We do mining and manufacturing. That is heavy work, and sometimes they get hurt.

I am going to read a letter later—I do every week try to come down to put real families, real faces, for you all to understand that this is a real issue.

When I have said this is a silent killer, we never talk about it. If you have somebody addicted in your family, you are kind of ashamed of it. You don't want anybody to know because they think that something is wrong with your family if someone has an addiction. They try to take care of themselves and they can't and that person doesn't get the help they need.

So when you look back at the use and the lack of a treatment, let me just tell you about the epidemic we are dealing with. Any other epidemic of this sort—and knowing it is an illness, it can be called a pandemic. Remember the Ebola concerns we had. All of the different things we were concerned about that could turn into a pandemic, we acted immediately. Well, we haven't acted immediately on this. We have had over 200,000 West Virginians die since the turn of the century. That is unbelievable, and to not do anything about it and keep our mouths shut, we have done that for far too long.

Today, 2.1 million Americans abuse or depend on their opiates. According to the CDC, Centers for Disease Control, three out of four new heroin users abuse prescription opiates before moving to heroin. I am told they move to heroin because it is cheaper, but they have already been hooked and addicted. Most of them got hooked and addicted on legal prescription drugs. That means there was some doctor who said: Here is something that is really going to help you, and they write that prescription. They think everything in a bottle is going to heal you.

In the United States of America, less than 5 percent of the world population—7.2 billion people live on planet Earth, less than 330 million in this country—4.6 percent of the world population consumes 80 percent of all the opiates produced and consumed in the world. What in the world happened to us? How did we become so pain-intolerant? How did we become so addicted?

Between 2009 and 2013, only 22 percent of Americans suffering from opiate addiction participated in any form of addiction treatment, and more and more people go without treatment every day.

Misuse and abuse of opiates cost the country an estimated \$78.5 billion in 2013 just in lost productivity. So for those people who don't have compassion, don't think we should be doing these things, and you only look at the bottom line, if you are going to the bottom line, look at this bottom line: \$78 billion of lost productivity, medical costs, and criminal costs.