



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, TUESDAY, FEBRUARY 23, 2016

No. 28

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You are great and highly to be praised. Make Yourself known in the hearts and minds of our lawmakers. May Your presence create in them a hunger and thirst for righteousness. Help them to see the opportunities that reside in their challenges, as thoughts of Your steadfast love sustain them throughout life's seasons.

May their lips speak of Your wisdom and the meditations of their hearts earn Your sacred approval. Lord, give them the wisdom to remember how fragile life is and that when we die we leave our possessions to others. When our Senators call on You in the day of trouble, deliver them with Your mighty hands.

And, Lord, touch Senator CLAIRE MCCASKILL with Your healing hands.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

### NOMINATION OF ROBERT CALIFF

Mr. MCCONNELL. Mr. President, at a time when the prescription drug opioid epidemic is tearing families and com-

munities apart in our country, it is clear we need strong leadership at the FDA. This is an agency that can play a leading role in addressing the crisis through its drug-approval process, but it is also an agency that has been rightly criticized for not recognizing the severity of such a significant problem and for not taking greater action to address it.

Today we will consider the nomination of someone who I think can help lead the agency in a new direction. I recently met with Dr. Califf and raised my concerns and desire for the FDA to take a more assertive role in addressing this serious epidemic. He shared with me his proposed plan for dealing with the issue and for establishing a necessary cultural shift over the agency. I plan to support his nomination today, and I look forward to working with him.

That said, I have proudly led many efforts over the years to push the FDA to take a stronger approach when it comes to ending today's prescription opioid epidemic. I don't plan to let up now. The FDA should expect continuous, rigorous oversight in the way the agency addresses this epidemic in the future.

### GUANTANAMO DETAINEES

Mr. MCCONNELL. Mr. President, we understand that in just a few minutes the President is set to make an announcement on the secure facility in Guantanamo. In light of that, colleagues should consider the following things we have heard in recent weeks.

General Dunford has spoken of the need for our military to take more aggressive action against the ISIL group that is operating inside Libya.

General Campbell has spoken of the need to retain a sizable enough force in Afghanistan to accomplish the dual missions of both conducting counterterrorism operations and training and advising the Afghan security forces.

Secretary of Defense Ash Carter has issued a budget request that seeks funding for the weapons systems and programs we will need to balance against the regional ambitions of China and Russia.

In other words, some of the most senior national security officials within this administration are already working to better position the next President for the national security challenges we will face in 2017 and beyond. Yet President Obama seems to remain captured on one matter by a campaign promise he made in 2008—his ill-considered crusade to close the secure detention facility at Guantanamo.

Today we received the descriptions of where the President would like to detain terrorists within the United States—though not any actual proposed locations—despite the fact that it would be illegal under current law to transfer foreign terrorists at Guantanamo into the United States. This isn't a case where the President can even try to justify the use of some pen-and-phone strategy by claiming Congress failed to act. To the contrary, Congress acted over and over again in a bipartisan way to reject the President's desire to transfer dangerous terrorists to communities in the United States. The President signed all these prohibitions and his Attorney General recently confirmed that it is illegal for the President to transfer any of these terrorists into the United States.

We will review President Obama's plan, but since it includes bringing dangerous terrorists to facilities in U.S. communities, he should know that the bipartisan will of Congress has already been expressed against that proposal.

### FILLING THE SUPREME COURT VACANCY

Mr. MCCONNELL. Mr. President, the signs of the season are all around us. Volunteers are knocking on doors,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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caucusers are caucusing, voters are voting, and countless ballots have been cast already in places as diverse as Council Bluffs, Nashua, and Myrtle Beach. Thousands more Nevadans are making their voices heard today, and Americans in over a dozen more States will have an opportunity to do the same next week.

It is campaign season. We are right in the middle of it, and one of the most important issues now is this: Who will Americans trust to nominate the next Supreme Court justice? The Presidential candidates are already debating the issue on stage. Americans are already discussing the issue among themselves, and voters are already casting ballots—in the case of the Democratic leader's constituents on this very day—with this issue very much in mind.

One might say this is an almost unprecedented moment in the history of our country. It has been more than 80 years since a Supreme Court vacancy arose and was filled in a Presidential election year, and that was when the Senate majority and the President were from the same political party. It has been 80 years.

Since we have divided government today, it means we have to look back almost 130 years to the last time a nominee was confirmed in similar circumstances. That was back when politicians such as mugwumps were debating policy like free silver and a guy named Grover ran the country. Think about that.

As Senators, it leaves us with a choice. Will we allow the people to continue deciding who will nominate the next Justice or will we empower a lameduck President to make that decision on his way out the door instead?

The question of who decides has been contemplated by many, including our friends on the other side of the aisle. We already know the incoming Democratic leader's view. The senior Senator from New York didn't even wait until the final year of President George W. Bush's term to declare that the Senate "should reverse the presumption of confirmation" and "not confirm a Supreme Court nominee except in extraordinary circumstances."

We also know how the current Democratic leader feels about judicial nominees from a President of the other party. This is what he said:

"The Senate is not a rubberstamp for the executive branch," he said. "Nowhere in [the Constitution] does it say the Senate has a duty to give presidential nominees a vote. It says appointments shall be made with the advice and consent of the Senate. That's very different than saying every nominee receives a vote."

What about the views of the top officer of this body, the President of the Senate? JOE BIDEN was a Senator for many decades. He was a loyal Democrat. He developed enduring friendships in both parties, and before becoming Vice President, he served here as chairman of the Judiciary Committee. Let's

consider what he said in circumstances similar to where we find ourselves today. It was an election year with campaigns already underway, a President and a Senate majority from different political parties, just as we have today. This is what appeared on page A25 of the Washington Post:

Sen. Joseph R. Biden Jr. (D-Del.), chairman of the Judiciary Committee, has urged President Bush not to fill any vacancy that might open up on the Supreme Court until after the November election. Warning that any election-year nominee "would become a victim" of a "power struggle" over control of the Supreme Court, Biden said he would also urge the Senate not to hold hearings on a nomination if Bush decided to name someone.

The article continued, quoting then-Senator BIDEN:

"If someone steps down, I would highly recommend the president not name someone, not send a name up," Biden said. "If he [Bush] did send someone up, I would ask the Senate to seriously consider not having a hearing on that nominee."

And then, this:

"Can you imagine dropping a nominee, after the three or four or five decisions that are about to [be] made by the Supreme Court, into that fight, into that cauldron in the middle of a presidential year?" Biden went on. "I believe there would be no bounds of propriety that would be honored by either side. . . . The environment within which such a hearing would be held would be so supercharged and so prone to be able to be distorted."

"Whomever the nominee was, good, bad or indifferent," he added, "would become a victim."

As the current chairman of the Judiciary Committee, Senator GRASSLEY, pointed out yesterday, BIDEN went even further on the Senate floor. He said that "[it does not] matter how good a person is nominated by the President" because it was the principle of the matter, not the person, that truly mattered.

BIDEN cautioned that "Some of our nation's most bitter and heated confirmation fights have come in presidential election years" but also reminded colleagues of several instances when Presidents exercised restraint and withheld from making a nomination until after the election.

One of them was Abraham Lincoln. It offers an example others may choose to consider.

President Obama, like Lincoln, once served in the Illinois legislature. It is a place he returned to just the other day to talk about healing the divide in our country. He said:

It's been noted often by pundits that the tone of our politics hasn't gotten better since I was inaugurated. In fact it's gotten worse. . . . One of my few regrets is my inability to reduce the polarization and meanness in our politics.

Well, this is his moment. He has every right to nominate someone, even if doing so will inevitably plunge our Nation into another bitter and unavoidable struggle. That certainly is his right. Even if he never expects that nominee to be actually confirmed but

rather to wield as an election cudgel, he certainly has the right to do that. But he also has the right to make a different choice. He could let the people decide and make this an actual legacy-building moment, rather than just another campaign road show.

Whatever he decides, his own Vice President and others remind us of an essential point. Presidents have a right to nominate just as the Senate has its constitutional right to provide or withhold consent. In this case, the Senate will withhold it. The Senate will appropriately revisit the matter after the American people finish making in November the decision they have already started making today.

For now, I would ask colleagues to consider once more the words of Vice President BIDEN. He said:

Some will criticize such a decision and say it was nothing more than an attempt to save the seat on the Court in the hopes that a . . . [member of my party] will be permitted to fill it, but that would not be our intention, Mr. President, if that were the course to choose in the Senate to not consider holding hearings until after the election. Instead, it would be our pragmatic conclusion that once the political season is underway, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over.

That is Vice President BIDEN when he was chairman of the Judiciary Committee in a Presidential election year. Fair to the nominee, essential to the process, a pragmatic conclusion—the words of President Obama's own No. 2. What else needs to be said?

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#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

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#### WISHING WELL SENATOR CLAIRE MCCASKILL

Mr. REID. Mr. President, on behalf of the entire Senate, we acknowledge the prayer of the Chaplain today regarding CLAIRE MCCASKILL. CLAIRE MCCASKILL, as is known now, has breast cancer. She feels comfortable with the diagnosis. She is in a place where they are rendering great care in St. Louis, in the State of Missouri, so we are hopeful and very confident she is going to be just fine. But our thoughts are with her, recognizing the number of people in the Senate who have been stricken with cancer of one kind or another.

Without belaboring the point, breast cancer is personally very devastating not only to the patient, of course, but to the family who is doing everything they can in a compassionate way to support their loved one. We know Joe, her husband, is terribly concerned, but I sent a message to him that the treatment of breast cancer is so much better than it was just a few years ago and that we believe CLAIRE will be OK, and we certainly hope that is the case.

## PRESCRIPTION DRUG ABUSE

Mr. REID. Mr. President, the Republican leader mentioned a number of things, and I am not going to talk about all of them, but there is one thing I want to focus on for just a minute. We have something that is devastating moving forward throughout this country, and that is poisoning by opioids. These products that come in the form of medicine prescribed by doctors have been devastating and sweeping the country.

Of course, I am glad we are moving forward on Dr. Califf—he is a fine man, and he will do a good job as head of the Food and Drug Administration—but we are going to move to some legislation dealing with these poisons. I would hope that everyone would appreciate the fact that what we are going to do, as we do too often, is celebrate the passing of legislation that really doesn't have much to do with reality. The only way we are going to do a better job of fighting this scourge is to have some resources to help people who have the responsibility to do something about that. We need to take up the Judiciary Committee's opioid bill, maybe even as early as next week, but we also need to devote real resources, not just lipservice, to this important problem.

## FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, I know the Republican leader is doing his best to try to make a good picture here as to why he has made the decision that the Senate is not going to confirm any Supreme Court nominee the President puts forward. I heard one statement by the former chair of the Judiciary Committee this morning saying it doesn't matter whom he puts up, we are not going to vote for him or her, whatever the case may be. But the facts my friend provides are absolutely distracting and they are wrong. He can read all the statements he wants from the senior Senator from New York and the Vice President, but never were any nominees held up.

In fact, we don't have to go back to Grover, as he indicated, to find a similar situation. Let's talk about Ronald, a more recent President. In 1988, in the last year of his Presidency, President Reagan put forward the nomination of Anthony Kennedy to be a Supreme Court Justice. That was in the last year of his term. And what did we do? We took it up, and he was confirmed.

There is a lot of time to do things. Vice President BIDEN's statement was made in the middle of the summer of the year he spoke, but there is so much time left. We have 333 days left in President Obama's term of office, so there is plenty of time to get the work done. The average number of days to confirm Justices is 67 days, so I think we should be able to squeeze 67 days out of 333 days.

I don't want to burden everyone with facts, but sometimes they can get in the way of some of these ridiculous diversions from what our job should be. When Senator BIDEN was chairman of the Judiciary Committee in 1991 and 1992 during George W. Bush's term, we confirmed 120 judges. Certainly that hasn't been the case in the last few years because Republicans basically have opposed all judges. And now this new direction toward making sure there is no confirmation of a Supreme Court Justice is obstruction on steroids.

This is really a pivotal moment for the Republican Party and this Republican Senate. The Republican Party of Abraham Lincoln and Theodore Roosevelt is transforming before our eyes, abandoning its last vestiges of decency and rationality and unconditionally surrendering its moral compass to Donald Trump and TED CRUZ. Gone are the days of levelheadedness and compromise. The radicals in the Republican Party have turned "bipartisanship" into a dirty word. Behind closed doors, my Republican colleagues like to express disappointment at the direction the party is taking, but never, never will they say anything publicly because the extreme elements in their party who seem to be running the party will criticize them.

Republicans should think long and hard about this simple fact: If they follow the course set by the Republican leader, every one of them will be as responsible as Trump and CRUZ in the debasement of the Republican Party. He will join them in what they have done to the party. It will be a new and much worse Republican Party.

Clearly, Senator MCCONNELL is absolutely following the lead of extremists Trump and CRUZ. There is no clearer example of this than the Republican leader's response to the Supreme Court vacancy. In the aftermath of Justice Scalia's passing, the senior Senator from Kentucky could have announced his intent to fulfill the Senate's constitutional responsibility and invited the President to send a well-qualified candidate to the Senate for confirmation. But that is not what he did because that is not the party of Trump. Instead, the Republican leader announced that he will deny President Obama his constitutional right to appoint nominees to the Supreme Court, defying all precedent that has been set, and by so doing, he will leave the Supreme Court in a state of uncertainty.

Senator MCCONNELL is leading a charge to obstruct and cheapen the Presidency at all costs, regardless of the damage it does to our democracy. Doesn't that sound familiar? Sounds like something Donald Trump would do. That is because it is exactly what Donald Trump urged Senator MCCONNELL to do. At a Republican Presidential debate in South Carolina 10 days ago, Mr. Trump said of the Supreme Court vacancy:

I think it's up to Mitch McConnell and everybody else to stop [the nomination]. It's called delay, delay, delay.

That is from Donald Trump, and that is exactly what the Republican leader is doing—delay, delay, delay.

I believe 333 days is enough to do the work we ordinarily do in 67 days.

It is disappointing that the Senator from Kentucky takes his marching orders from extremists such as Donald Trump. It is a pretty stark change from what Senator MCCONNELL used to believe. He used to loathe this radical tea party faction of the Republican Party. According to an account in the New York Times, the Republican leader once referred to the tea party Republicans as "those idiots, those people come up here and have never been in office and know nothing about being in office." Yet, today, he is meeting with those same Republicans. He is meeting with the House Freedom Caucus—the same Republicans who worked with TED CRUZ to shut down the government. And they did shut it down. It seems as though the Republican leader now subscribes to this new, radical Republicanism.

Even though this extremist brand of politics may sell in Republican Presidential primaries, mainstream Americans categorically reject it. Yesterday, Public Policy Polling released a survey of Independent voters in Pennsylvania and Ohio—not Democrats, not Republicans, but a large swath of Americans who are now Independents. These numbers should serve as a wake-up call to the Republican leader's party: 70 percent of Independent voters in Ohio believe a new Supreme Court Justice should be named this year. More than 60 percent of Independent voters in Pennsylvania believe a new Supreme Court Justice should be named this year.

The American people are telling Republicans in the Senate that they reject this obstruction of a Supreme Court nominee. Unfortunately, the Republican leader is listening to Donald Trump and the junior Senator from Texas. He is not listening to mainstream America. He is not listening to the few voices of reason coming from his own party, even from his own Senators.

Yesterday the senior Senator from Maine, a Republican, told CNN:

For my part, it's clear the President can send up a nominee—regardless of where he is before he leaves office. It is the duty of the Senate, under the Constitution, to give our advice and consent or withhold our consent. I believe we should follow the regular order and give careful consideration to any nominee that the President may send to the Senate.

There is precedent in this body. Even in the Judiciary Committee, if there is a hearing held and the person is not reported out with a majority vote, it comes to the floor anyway. Senator LEAHY—longtime chair of the Judiciary Committee, the President pro tempore of the Senate, and now ranking member of the Judiciary Committee—

will come and talk about that this morning.

I just read a quote from Senator COLLINS, but she is not alone in urging the Republican leader to follow regular order. Other sitting Senators are saying the same thing. I will not read what all of them say, but there is a small nucleus of Republican Senators who believe strongly that what Senator MCCONNELL is doing is wrong.

The Republican Senator from Indiana, Senator COATS, was quoted in one interview as saying:

If the President nominates someone, which is his choice, I think that person would deserve a hearing if that person is not someone that is just obviously nominated for political purposes.

Even the Republican leader's former colleagues agree that the President's nominee deserves a fair shake. The former Senator from Indiana, Dick Lugar, is urging Senate Republicans to do the right thing and honor their constitutional duty. He served here for more than three decades. Here is what he said yesterday:

I can't understand their reluctance given the controversy that surrounds all of the debate that has already occurred. But that is not sufficient reason to forgo your duty.

But perhaps the former Republican Senator from Maine, Olympia Snowe, said it best:

I believe that the process should go forward and be given a good-faith effort.

"A good-faith effort"—it is a phrase we hear often, but it is absolutely crucial to American democracy. Our Constitution is constructed with the expectation that elected leaders would act in good faith. That is how our government operates. It should. Under the Republican obstruction, that has not been the case.

I ask my Republican colleagues, whose side do you want to be on? Whose voice are you listening to? These voices of moderation and reason coming from within your own party or the shrill voices—the shrill, shrill voices—of Trump and CRUZ? There isn't time to vacillate. Right now, before our eyes, the Republican leader is leading this conference straight to the side of Donald Trump and TED CRUZ.

It is not too late to change course. Reject the extremist approach being propagated by the likes of Donald Trump and TED CRUZ. It will only hurt our country. Put aside this unprecedented obstruction and work with President Obama to fill this crucial vacancy on the Supreme Court. Do your job. All we are saying is: Do your job. Do your job. Do your job.

Will the Chair announce the schedule for the rest of the day.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert McKinnon Califf, of South Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NOMINATION OF MICHAEL MISSAL

Mr. INHOFE. Mr. President, it is quite a discussion when we talk about confirmations, one of the responsibilities this body has that the other body does not have. In the case of a U.S. Supreme Court vacancy, however, during an election year, I think it has actually been some 80 years since they have actually filled a vacancy as opposed to waiting until after the next election.

I am concerned today, though, about another confirmation. VA IG nominee Michael Missal has been nominated, and I have a hold. To explain what that means, when you have a hold, that doesn't necessarily mean you don't approve of the nominee, but it does mean there is one reason or another you don't want to go ahead and confirm that person. That happened in the case of the nominee to be a VA inspector general, Michael Missal. Actually, I am not placing a hold on him because of deficiencies in him but deficiencies in the Office of the Inspector General. Today what I am announcing is that I am lifting that hold. That means they are free to go ahead and have this nominee go forward, and I think that is the right thing to do.

At the Muskogee VA facility alone, the IG office has conducted nine investigations since 2009, and there has been little or no change in the quality of care. Right now, my office is working hundreds of cases of Oklahoma veterans facing inadequate care or blocked access to benefits. I wrote the VA IG in January of 2016 simply requesting that the VA IG—inspector general—visit Oklahoma facilities and to do so with an outside entity such as a joint commission. There is an attitude sometimes with individuals not wanting outside help, a kind of assumption that "I don't need their help." Their response letter denied my request to conduct an investigation with a third party. It is time for our VA facilities in Oklahoma to be held to those same standards as private hospitals, and I believe it would take the aid of an outside group to make this happen because right now they are not meeting that quality.

Since placing a hold on Mr. Missal, the IG office has committed to investigating Oklahoma's VA facilities with the oversight of an outside entity, and I have also had commitment from Mi-

chael Missal that he will do that. I appreciate their commitment, but our work to improve the care for Oklahoma veterans doesn't end there.

Since the VA reform bill passed Congress this last summer—and it was a good bill—it is clear our facilities in Oklahoma have continued business as usual. I haven't seen any noticeable difference in the performance and treatment of our veterans since the passage and activation of that bill. I believe the impending investigations will show it is going to require a change in the management level to bring about lasting improvements for veterans care.

That is why I, along with my junior Senator from Oklahoma JAMES LANKFORD, introduced S. 2554, the Department of Veterans Affairs Accountability Act, on February 12. This legislation is critical to providing the best treatment for our country's veterans. Building upon the comprehensive plan of the 2014 VA reform bill, our legislation grants VA leadership at the regional level the authority to fire and demote staff working in these facilities. I think a lot of them thought the reform bill did that, but it didn't. We haven't been able to do it. It also allows directors of veterans regional chapters to contract with an outside entity to conduct investigations of their VA medical facilities. As I have worked to address the many concerns I have with Oklahoma's VA facilities, I have come to trust the leadership at the regional level. One individual who has come in is Ralph Gigliotti. He has done a great job. He doesn't have the authority to do what this bill would allow him to do. Not only were intermediate surgeries suspended due to what they have now uncovered, but also the chief of staff has been temporarily removed from his position.

However, this process revealed that regional directors are not presently empowered to address staffing concerns in the facilities they oversee. We have seen this in the State of Oklahoma numerous times. Our legislation peels away the layers of bureaucracy and allows the directors and each of the regional areas to play a larger role with improving the VA system as a whole.

As we all know, freedom isn't free. Many of our veterans have paid the prices with scars, some visible and some may go unseen such as post-traumatic stress disorder—PTSD—depression, and traumatic brain injuries. In my great State of Oklahoma, there are more than 37,000 military families and roughly 340,000 veterans that call our State home, attend our churches, and contribute to our communities. On behalf of Oklahoma, I say we are humbled by the immeasurable dedication of each and every one of them. I think it is the government's duty to honor the promises made to our veterans in return for their sacrifice. I urge our colleagues to remember that.

I can remember when I was in the Army, commitments were made to me

### RESERVATION OF LEADER TIME

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

when a decision was made—actually, mine was not a decision because it was compulsory service at that time, which I think we ought to go back to. Anyway, I think this is going to be good, and this is going to give us the resources and the capability of correcting the problems as we see them. For that reason, I am lifting my hold on Mr. Michael Missal and his nomination will move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### FILLING THE SUPREME COURT VACANCY

Mr. LEAHY. Mr. President, this past weekend the Nation honored Justice Antonin Scalia, who was laid to rest after serving on the Supreme Court for nearly three decades. Marcelle and I were home in Vermont when we learned that Justice Scalia had passed. Frankly, we were stunned by the news. I did not often agree with Justice Scalia, but he was a brilliant jurist with a deep commitment to our country and to the Constitution, and we enjoyed his friendship for decades. He will be remembered as one of the most influential Justices in modern history.

While his family and all should have had a chance to mourn his passing, I was shocked when, in the immediate wake of his death, Senate Republicans moved quickly to shut down the constitutionally mandated process to fill the vacancy left on the Supreme Court. Within hours of his death being announced, they declared they would oppose any effort to confirm the next Supreme Court Justice this year. I have served in this body longer than any Member here and I have heard some shocking things during that time, but I am surprised by the political crassness of these statements.

Before a nominee had even been named, some Republicans reflexively decided to prematurely reject anyone—anyone—nominated by the President. This impulsive rush to judgment runs completely contrary to how this body has always treated nominees—always treated nominees—to the highest Court in the land. Republicans should not allow the hyper-partisan rhetoric of the campaign trail to trump one of the Senate's most important constitutional duties.

I have talked to the President, and I know he will fulfill his constitutional duty. He will nominate an individual to bring the Supreme Court back to full strength, and of course he should. The President has already begun consulting with Members of both parties in Senate, but after a nomination has been made, we in the Senate should get to work and do our jobs—the jobs we were elected to do.

I was all over my State of Vermont last week. The Vermonters I spoke with last week reflect Americans across the country who are tired of partisan political games that are chipping away at the foundation of our constitutional democracy. I heard this from both Republicans and Democrats in Vermont.

As Oliver Goodenough, a law professor at Vermont Law School, wrote this weekend in the *Rutland Herald*, an extended Supreme Court vacancy caused by Senate inaction “would certainly create a constitutional embarrassment.”

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the *Rutland Herald*, Feb. 21, 2016]

#### COURT BATTLE—ANOTHER SHUTDOWN?

(By Oliver R. Goodenough)

Within hours of the announcement of Anton Scalia's death, one of our political parties was already trying to make points with the electorate about the process of picking his successor. At that evening's debate, the GOP presidential candidates advocated that the constitutional process should be suspended, either voluntarily by President Barack Obama or by purposeful inaction by the Senate.

Mitch McConnell, the Senate majority leader, was just as speedy, trying to warn Obama off from acting on the mandate of Article II, Section 2, which charges the president with nominating a replacement for Justice Scalia and the Senate with providing its advice and consent on the president's choice.

One can understand McConnell's disappointment. Appointments to the Supreme Court are for life, which means only resignation, impeachment or death will create a vacancy. In the somewhat ghoulish game of waiting for a slot on the closely divided Supreme Court to open up, the short-term expectations of mortality had been focused elsewhere—Justice Ruth Bader Ginsberg, in particular, has been a survivor of long-odds pancreatic cancer.

So Republicans were brought up short by the death of a conservative hero, whose replacement could shift the balance of the court. The accidents of history will do that sometimes.

The Constitution makes provision for what happens in such a case—in the kind of clear, unequivocal language that is the best target for Justice Scalia's vaunted originalism. The president nominates. The Senate, for its part, gives the qualifications of any nominee a serious vetting; it is not entitled to just ignore the nomination.

Some reports have argued that such a course of process sabotage would create a “constitutional crisis.” This is probably an overstatement; it would certainly create a constitutional embarrassment. With nearly a year left in Obama's term, waiting for his successor to name the new justice in 2017 would remove the ninth voice from the court not just for the current yearly term but also for most of the following term as well, since the replacement would arrive in the spring and miss months of argument and deliberation. For the better part of a year, the vacancy would sit like a broken tooth in the operations of the court. Close cases would often end up tied, with the result that the lower court finding would remain the binding result. Not itself a disaster, but a result that the constitutional provisions for naming a successor are designed to avoid.

The embarrassment of sabotage on judicial appointments actually already exists: Republicans in the Senate have effectively shut down the process of nominating new judges for the federal courts of appeal. The blockage isn't over qualifications—such considerations would be a proper exercise of the Senate's confirmation role, raised in committee

and on the Senate floor. Rather, the nominations are sitting in a limbo of inaction: It is simply a matter of not doing the job at all.

This is the real crisis, a state of politics where Republicans in the House and Senate are willing to derail the processes of government to thwart the actions of President Obama, good, bad or indifferent. The most obvious example was the full shutdown of government. Limited shutdowns on matters like judicial appointments are parts of the same pattern.

Of course, obstructionism is not just a Republican failing, and it can be present in both parties to some degree in the spicy stew of politics in our robust democracy. But the bottom-line commitment of all parties should be to maintaining a functioning government, structured and administered in accordance with the framework set out in our Constitution, even when it is not working to their advantage. Why is this so hard for at least some Republicans to buy into? Why the willingness, indeed eagerness, to bring down the house we all live in?

The key is a widespread denial among Republicans of the legitimacy of the Obama presidency. This is partly related to the man himself—all the blather about his birth, his religion, etc. While many Americans find it a vindication that we can elect an African-American to our highest office, for some it is an impossibility which in turn justifies the most extreme forms of resistance. Race is our original sin as a country, and its legacy haunts us still.

Republicans are also in denial over changes in the social and economic fabric of America. We are, as always, in the process of moving from what America has been to what it will be. Conservatives have a role to play, reminding us of the valuable parts of where we came from. Progressives have a role, recognizing the imperatives of the future and charting the paths of change toward positive outcomes. Politics is the sometimes rough and tumble playing field where the dialog on this goes forward.

The intransigence of shutdowns, however, whether of the full government or a critical aspect like the nomination process, exceeds the boundaries of acceptable play and hurts us all. Obama needs to make a good faith nomination to fill the vacancy on the Supreme Court. McConnell and his colleagues in the Senate majority need to review it in good faith. That is what the Constitution provides; that is what the country needs. Get on with it.

Mr. LEAHY. We must not let that dysfunction infect the Supreme Court, an independent, coequal branch of government that was designed to be above politics. The next nominee to the Supreme Court deserves full and fair consideration by the Senate. This includes a timely hearing and then having an up-or-down vote.

I am worried that even before President Obama took office, and ever since then—even after he was reelected by a 5 million-vote plurality—there has been an unrelenting and cynical campaign by some hyper-partisans to delegitimize the President's authority. There were the birthers, and there have been and still are spurious slurs of all kinds.

Outside of this body, the efforts to undermine President Obama's constitutional authority to fill this Supreme Court vacancy draws some of their vehemence and venom from these dark corners. But every one of us took an oath of office—every one of us—and we

are sworn to uphold our constitutional duties. Let us not be intimidated and pressured to avoid our sworn duty. Let us act for the good of the American people and for the good of this great Nation.

Some have justified their call for unprecedented obstruction by claiming it is because the American people need a voice. Give me a break. The American people have spoken—millions of Americans—and an overwhelming majority of Vermonters voted in record numbers in 2008 and again in 2012 to elect President Obama. In doing so, they granted him constitutional authorities for all 8 years of those two terms. A President isn't elected for 1 year or 2 years or 3 years. A President is elected for 4 years at a time. Just saying that President Obama is a "lame duck" President does not make it true. In fact, the next election is not until November. The American people expect those they elected to do their jobs for their entire term. That means both in the Senate and in the White House. They don't expect Senators to say: Well, we can't vote on anything this year because it is an election year. We will collect our full salary, but we are not going to vote on anything. The American people don't like that.

It is rare that a vacancy in the Supreme Court arises during an election year, but it is just false to say Justices do not get confirmed in Presidential election years. More than a dozen Supreme Court Justices have been confirmed in a Presidential election year.

The Democrats led the Senate during President Reagan's final year in office, and we voted. President Reagan's nominee was confirmed by a Democratic-led Senate during the President's final year in office. He received a hearing and a confirmation vote. It would be the height of hypocrisy to say we shouldn't apply the same process with a Democrat in the White House and Republicans in control of the Senate. We can't say that we will follow our constitutional duties and do our work if we have a Democratic-controlled Senate and a Republican President but we can't do it if it is the other way around.

Some Republican Senators have acknowledged that the next Supreme Court nominee should receive a fair hearing. But the process can't end there. I have served on the Judiciary Committee for 36 years. During my time on the committee, we have never refused to send a Supreme Court nominee to the full Senate for a confirmation vote. Even in those cases where a majority of the committee had opposed the nomination, we still reported the nominee to the full Senate. Once reported to the full Senate, every Supreme Court nominee has received an up-or-down confirmation vote during my 40 years in the Senate. We have to uphold this bipartisan tradition for the next Supreme Court nominee because so much is at stake. Merely holding a hearing without full committee process

and a confirmation vote is insufficient for a Supreme Court nominee. It would be a charade, and it would be an avoidance of our constitutional duties.

If Republicans refuse to uphold their constitutional responsibility to consider the next Supreme Court nominee, I believe it will harm our constitutional system of government. If they succeed in deliberately holding open a seat on the Supreme Court for more than a year, they will be intentionally disabling the Court's ability to fulfill its constitutional role, and Republicans will be harming the Supreme Court for more than a year.

Justice Scalia once wrote that a Supreme Court of just eight Justices risked the possibility the Court "will find itself unable to resolve the significant legal issue presented by the case." The legal issues before the Supreme Court are significant, and the importance of a single vote on the Court cannot be overstated. One vote on the Supreme Court decided landmark cases concerning our campaign finance laws, clean water and air policies, marriage equality, and voting rights. Americans deserve a fully functioning Supreme Court.

I have traveled all over my State. I have traveled all over this country. I have talked to Republicans and Democrats alike. What I know about my fellow Americans that makes me so proud is that they show up for work and they do their jobs. Americans don't have the luxury of telling their bosses that instead of doing their job, they would rather delay, delay, delay. If they did, they would probably be fired. The U.S. Senate shouldn't tell the American people that we are not going to do our jobs; that we will delay, delay, delay. The stakes are too high.

The American people actually expect us to show up for work and do our job. Let's get to work, do the job the American people sent us here to do. And we may want to reread our oath to uphold the Constitution. It requires no less.

Mr. President, I don't see others on the floor about to speak. I will yield the floor when I do.

We have allowed this whole process to become far too partisan. I am a lawyer, a former prosecutor. I have argued cases in the State court, Federal courts, Federal trial courts, and Federal appellate courts. When I have gone to the Federal courts, I have always thought that the beauty of this—whether Republican or Democratic nominees—is that I could get a fair hearing. I thought it was a great honor to go there.

People come from other parts of the world, and they talk about our Federal judiciary as an example for them. I recall that when a country that had been under dictatorship changed to a more democratic form of government, some of their people came to my office and asked about our judicial system.

They said: Is it true that in the United States of America, people can actually sue their government?

I said: That is true. It happens all the time.

They said: Well, is it true that sometimes the government loses?

I said: It happens all the time.

They said: Well, do you replace the judge when that happens?

I said: No. They are independent.

It was like a lightbulb went on. They realized how different we are. Think of the image we send to the rest of the world—as well as 300 million Americans—if we say: No, we are going to politicize the Supreme Court, the Court that is supposed to be the final arbiter on constitutional questions. Look at what it says to them if we say: Yes, we have time to take more recesses this year than I think the Senate ever has, that I can ever remember, but we don't have time to do the job we were elected to do, the job we are paid to do—have a hearing on and vote on a Supreme Court nominee.

The American people have jobs. They can't pick and choose when they will bother to show up. They can't say "I know this is what I am supposed to do in this job, but I don't feel like it" or "I have a partisan reason not to do it. I am going to sit this out. See me next year, and I may do my job." Nobody would accept that. But that is really what is happening. The Republican leadership is saying "No, we want to sit this out. We don't want to do our work. We don't want to do our job. See us next year, and maybe we will then." That has never happened. It never happened during an election year. There have been at least a dozen Supreme Court vacancies during an election year, and a dozen times the Senate, no matter who was President, came together and handled the nominee and got them confirmed. Why did Senators do that in the past? Probably because they figured they had been elected, they were being paid by the American people, it was part of their job, and so they showed up and did their job.

Are we now going to change what has been the precedent ever since the beginning of this country and say "Oh, we are better than that. We don't have to do our job. Keep paying us, but we don't have to do our job even though we have taken an oath to uphold the Constitution and do our job"? Even Justice Scalia said that would be wrong, that you shouldn't have an eight-member Supreme Court. And we don't.

Let's actually show up and do the job we were elected to do, do the job we are paid to do. Let's do what every other American has to do. They have to show up for work. They have to do their jobs. They can't say "I don't feel like it this year. I will see you next year. Oh, by the way, send me my paycheck." That is not the American way; it should not be the Senate way.

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. SCHUMER. 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. SCHUMER. Mr. President, I rise today first to praise and echo the words of the senior Senator from Vermont, our ranking member on Judiciary, in urging our Republican colleagues to give a fair and full consideration of a Supreme Court nominee. I particularly wish to praise my friend, the ranking member, for his eloquent remarks and for his leadership of the committee when he was chair and as ranking member.

My friend from Vermont is absolutely right. Just as the President has a constitutional responsibility to name a nominee to the Court, the Senate has a constitutional duty to provide advice and consent on that nominee. Frankly, it is the Senate's job to consider Supreme Court nominees, and the American people expect the Senate to do its job. We are telling Senate Republicans, America is telling Senate Republicans: Do your job. Plain and simple.

My friend, the chairman of the Judiciary Committee, should commit to holding hearings. The distinguished majority leader should commit to holding a vote. It has been a longstanding precedent of the Senate to consider Supreme Court nominees in a timely manner, even in election years: Justice Pitney in 1912; Brandeis and Clarke in 1916; Cardozo at a time when America was even more divided than now, 1932. In the middle of the Depression, the great election between Roosevelt and Hoover, they put in Cardozo in that last year. Murphy in 1940 and Kennedy in 1988 were confirmed. Justice Kennedy was confirmed in the last year of a Presidency with a Republican in the White House and Democrats in control of the Senate. That is the mirror image and the most recent chance we have to compare how Democrats were acting, how Republicans were acting. All of my colleagues on both sides of the aisle who were here voted that way.

I know today our Republican colleagues point to what Senator BIDEN said. They have pointed to what Chairman LEAHY said. They have pointed to what I and other Democrats have said. There are equal quotations that Senator MCCONNELL, Senator GRASSLEY, and others have said, each voicing a different view than maybe is being voiced today. But none of those were held up. You can have all the competing quotes you want; they amount to nothing. The American people are strong—Democrats and Republicans—in telling Senate Republicans: Do your job.

The bottom line is very simple. To say that there will be no hearing, no vote, no consideration whatsoever even before a nominee is named to a vacancy, that is not doing your job; that is quitting before you start. Senator LEAHY said it well. Imagine someone showing up at work. Imagine if an av-

erage American showed up at work and said: I am going to take a year off, but you still have to pay me. Your boss wouldn't stand for it. Well, our boss, the American people, will not stand for this because it will take over 300 days before a Supreme Court nominee is filled, at best.

The kind of knee-jerk political obstruction the American people have grown so frustrated with in the Congress is what our Republican colleagues are saying. If Republicans truly respect the Constitution, they should follow it and consider a nomination from the sitting President rather than playing political games. Instead, they are once again threatening to bow to the most extreme rightwing voices and engage in the kind of political obstruction that brought us a 3-week government shutdown that cost us hundreds of thousands of jobs and took \$15 to \$20 billion out of the economy.

In 2013, after the hard right didn't get its way in its fight to undo the Affordable Care Act, they waged a war to shut down the government. Republican leaders listened. They probably knew it was wrong in their heads, but they listened. What happened? After 3 weeks with their tails between their legs, the leadership had to say we have to open up the government even though we haven't repealed the Affordable Care Act. The now-junior Senator from Texas had urged that course, and they were foolhardy to follow. The junior Senator from Texas is now urging the course of having no hearings and no votes. I tell my Republican colleagues—and to his credit, Senator MCCONNELL said we have to get the Senate working again—that this is a foolhardy course, and it will not stand. It will not last because the American people are telling Senate Republicans: Do your job.

Republicans say the American people should have a voice in choosing a Supreme Court Justice. Well, guess what. President Obama won reelection by a large margin in 2012. Many of the issues they bring up now were there then, such as security and the Affordable Care Act. There was a referendum on all these kinds of things.

The people spoke loudly and clearly on November 6, 2012, when they elected the President to another 4-year term. That is 4 years, as called for in the Constitution, not 3 years, as some of my Republican friends like to say now. If Republicans get their way, we would have a 4-to-4 gridlocked Supreme Court for a year that would tie the Court and large parts of the country in knots. Let me say, if we have a tie in the Supreme Court decision, the decision has no Presidential value. You get gridlock and confusion. America doesn't want gridlock. They don't want gridlock on the floor of the Senate, they don't want gridlock on the floor of the House, and they don't want gridlock in the Supreme Court. The American people expect the Senate to do its job. They are tired of obstruction and "my way or the highway" politics.

Again I say that our friend, the junior Senator from Texas, likes to quote the Constitution. He likes to walk around carrying the Constitution. That is great. I am all for that. I would like him to show me the lines in the Constitution that say in the last year of the President's term, he doesn't have the power or the right to nominate a Supreme Court Justice. Of course he does. Yet the Republican majority—at least by its stance now—is taking away that right because they will not even have a hearing.

Some people say: Well, they will just vote no after the hearing. Maybe yes, maybe no. I believe every Member has the right to vote no if they think the nominee is out of the mainstream, and I will be the first to admit mainstream is defined differently by different people. But hearings are amazing things. If the candidate is being open and honest, hearings help us to get to know the candidate better. Whatever one thinks of hearings, the last four nominees of the Supreme Court—two under President Bush, two under President Obama—got bipartisan votes and passed.

This idea of not having a vote is wrong. For the sake of our Constitution and for the sake of getting our country moving again, I urge and plead with my colleagues on the other side to do their job. That is what the American people want, plain and simple.

It is time for the Senate to do its job. Once the President nominates someone, we need to have hearings with our Republican colleagues in a careful and thoughtful way. They don't have to rush a nominee through—no dilatory tactics—and then there should be a vote.

I yield the floor and suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

REMEMBERING JUSTICE ANTONIN SCALIA AND FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, on February 13 the Nation was shaken by the news that Supreme Court Justice Antonin Scalia had passed away. Justice Scalia served on the Nation's highest Court for 29 years, and he was a major figure on the American legal landscape. Justice Scalia was described by Judge Richard Posner of the Seventh Circuit as "the most influential justice of the last quarter century."

Over the years I came to know Justice Scalia. He was a man of great intellect, good humor, and he was a very social person. We certainly disagreed on many fundamental issues, but even those who disagreed with Justice Scalia on legal matters still admired him as a person.

Justice Ruth Bader Ginsburg—no ideological ally of Justice Scalia—wrote

after his death, “we were best buddies.” She described him as “a jurist of captivating brilliance and wit, with a rare talent to make even the most sober judge laugh.” Justice Ginsberg said she and Justice Scalia were “different in our interpretation of written texts,” but they were “one in our reverence for the Constitution and the institution we serve.” I have great respect for the decades Justice Scalia spent in public service. My thoughts and prayers clearly go with his family.

As surprised as I was by the news of Justice Scalia's passing, I was amazed at how quickly the Senate majority leader, Senator McConnell of Kentucky, issued a press release saying, “this vacancy should not be filled until we have a new President.” His statement came out within 90 minutes of the press report of the Justice passing. This statement clearly came at a time when most people reflected on the loss of the Supreme Court Justice, and just like that, the conversation shifted from the passing of an American legal giant to an attack on President Obama's authority to fill his vacancy on the Supreme Court.

What does the Constitution tell us about filling a vacancy on the Supreme Court? There are very few oaths a person takes in their life. As Members of the Senate, we swear each time we are reelected to a new term to uphold and defend that Constitution.

What does the Constitution say about a vacancy on the Supreme Court? If you go to article II, section 2, it is explicit and very simple. The President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.”

The President, under the Constitution, has an express responsibility to submit to the Senate the nomination of a person who is qualified to serve on our Nation's highest Court. Then, of course, the Senate has a job to do: Give that nominee a fair hearing and a timely vote. This is our constitutional responsibility as U.S. Senators. This is what we have been elected to do. Aside from voting on a declaration of war, I believe there is no greater responsibility than voting on the confirmation of a Supreme Court nominee.

I serve on the Judiciary Committee, and it has been my privilege and honor to consider the nominations of four of the current Supreme Court Justices. There is no question that we have the time remaining to meet our constitutional responsibility in a thoughtful and careful way.

It is now February of 2016. We are almost a year away from January of 2017 when President Obama will officially leave office. The Republican leader would have us leave a seat on the Nation's highest Court vacant for at least 1 year. Not since the Civil War has the Senate taken longer than a year to fill a Supreme Court vacancy, and it certainly shouldn't happen now.

Usually it takes the Senate about 2 months to consider a Supreme Court

nominee. Senator Leahy, the ranking Democrat on the Judiciary Committee said that on average it takes about 67 days. So we have more than enough time to do this in a thoughtful and responsible way.

Even during Presidential election years, the Senate has routinely confirmed Supreme Court Justices. It has happened over a dozen times, most recently in 1988, when Justice Anthony Kennedy was confirmed by a 97-to-0 vote during President Reagan's final year in office. President Reagan—a Republican President about to leave office—submitted a name, Justice Kennedy, to the Supreme Court, and a Democratic-controlled Senate approved it with a vote of 97 to nothing. So to argue that this has never happened before is to ignore history, and even recent history.

In the past, Senate Republican leaders have said that the confirmation process should move forward with as little time as a month before an election. Consider the Presidential election of 1968. On June 13 of that year, Chief Justice Earl Warren informed the President he wanted to step down. On June 26 of the election year, Johnson nominated Associate Justice Abe Fortas to become Chief Justice and nominated George Homer Thornberry to fill his seat.

President Johnson had already announced he would not run again, but Senate Republican leaders did not call President Johnson a lame duck and question his right to put forward nominees. In fact, Senate Republican leader Everett Dirksen of my State of Illinois said on July 13 of that year, “I find that term ‘lame duck’ as applied to the President of the United States as an entirely improper and offensive term.” Republican Senator Dirksen was referring to the lame duck status of President Lyndon Johnson, a Democrat.

The Senate gave the President's nominee a prompt hearing in the Judiciary Committee. As it turned out, the hearing uncovered a range of ethics concerns about Justice Fortas, and in late September and early October, Senate Republicans filibustered his nomination. Fortas subsequently withdrew. But on October 3—same election year, just a month before the election—the New York Times reported that “Senator Dirksen said there was still time for the President to submit a new name and rush it through the Senate before the Congress adjourned.” The Republican leader said that even with a month left, we should try to fill the vacant seat. This was a month before the Presidential election. Where are the leaders like Everett Dirksen in today's Republican Party, Senators who are willing to roll up their sleeves and get down to the work of considering the nominees on their merits so the Supreme Court can do its work? We have a constitutional responsibility, as does the President.

Make no mistake—the Supreme Court needs a full complement of Jus-

tices on the bench. When the Court has an even number, as it does today, four to four, important cases are increasingly likely to end up in a tie vote. When that happens in a case, the ruling of the lower court stands and it is as if the Supreme Court never heard the case at all.

Major legal and constitutional questions are constantly brought before the Court. When the Court is frozen at an even number of Justices, many of those questions go unresolved and millions of Americans who are impacted by these questions have to wait. That is not fair to the American people. That is why historically the Senate moved to fill vacancies of the Court. That is why so many Americans are troubled by Senate Republicans' call for a 1-year hiatus in filling the Supreme Court vacancy.

Former Justice Sandra Day O'Connor said in an interview last week that she disagreed with the idea of waiting for the next President to appoint a new Justice. Justice O'Connor said, “We need somebody there now to do the job. Let's get on with it.” I agree with Justice O'Connor.

When President Obama submits a nominee, which he will do in coming days, the Senate needs to do its job, its constitutional responsibility, and give that nominee a fair hearing and timely vote. My Republican colleagues can choose to vote for or against the nominee. That is their prerogative. They should not simply duck the vote. We were not elected to this job to ignore important issues; we were elected to cast votes on important issues. This is too important an issue to simply ignore.

When it comes to giving the President's nominee a fair hearing, I certainly hope Senate Republicans don't adopt the Donald Trump position. When asked about the President's nomination, Mr. Trump, as he is wont to do, gave us a juicy quote. Here is what he said: “I think it's up to MITCH McConnell and everybody else to stop it—it's called delay, delay, delay.”

I am sure the Senate Republicans were not happy with that statement by Trump, but he did speak for a number of people who believe that is the right strategy: stop the President from using his constitutional authority; stop the Senate from accepting its constitutional responsibility. I hope my Republican colleagues don't follow Mr. Trump's lead and try to stop President Obama's nominee through endless delays. No one is going to be fooled if Senate Republicans spend weeks haggling over unreasonable document requests or swamping the nominee with endless written questions. Mr. Trump has already made it clear that “delay, delay, delay” is simply a strategy to stop the seat from being filled.

If Republicans delay in an effort to run out the clock, we will know it, and the American people will know it. The American people want us to act. They want us to accept our constitutional



responsibility. It is time for us to get down to work and do our job. The Senate can't afford to sit on its hands for 1 year and leave the Supreme Court hanging in the balance.

When President Obama names a nominee, I urge my Republican colleagues to give that person a fair hearing and timely vote.

Mr. President, I yield the floor.

The PRESIDING CHAIR. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I come to the floor today to express my serious concerns with the FDA's actions on opioid pain relievers and my concern that they have not sufficiently addressed what we are seeing as an epidemic in my home State of New Hampshire. The implications of prescribing opioids and ensuring that we take a very strong public health approach toward these pain relievers is important.

I know my that my colleagues—Senators MARKEY, MANCHIN, and BLUMENTHAL—have been on the floor previously to discuss the concerns they share about the FDA as well. I thank them for their leadership on this important issue.

I think what is important to understand here is what we are facing when it comes to heroin, the drug deaths that are occurring in my home State of New Hampshire, the connection between people who are misusing prescription opioids and then becoming addicted to heroin, and the deadly use of a drug called fentanyl, which is 50 times more powerful than heroin. When we bring this all together, we have a situation with opioid abuse which includes painkiller abuse, heroin use, fentanyl abuse, and it is killing people in New Hampshire and across this country.

Across this country, approximately 30,000 people died of heroin or prescription opioid overdoses in 2014. As we come to receive the 2015 numbers, unfortunately, if the experience is anything like my home State of New Hampshire, the numbers are going to be much larger than 30,000 because in New Hampshire, every corner of my State has been impacted by this.

I had the privilege of serving as attorney general before I came to the Senate, and I dealt with many drug issues as attorney general. In fact, I had a drug task force that reported to me. We dealt with the surge of methamphetamine, cocaine, and other illegal drugs that certainly have caused addiction and people to struggle with addiction. Obviously, alcohol is also something people struggle with when it is misused, but I have never seen anything like this.

I talk to my law enforcement officers and I talk to my first responders about what they are dealing with. In 2015, in New Hampshire, we had over 400 overdose deaths, and those 400 deaths were situations where there was a combination—many of them, hundreds of them—of heroin and/or fentanyl. And that was a dramatic increase over 2014.

In 2014, we had 320 deaths. And by the way, that is a 60-percent increase from the year before.

Unfortunately, this is not stopping. It is the single most important public health and safety issue facing the State of New Hampshire right now, but I know New Hampshire is not alone. Certainly working with my colleague ROB PORTMAN from Ohio, I know this is hitting Ohio. Working with SHELDON WHITEHOUSE from Rhode Island, I know this is hitting Rhode Island. AMY KLOBUCHAR from Minnesota—this is hitting so many different places in our country. That is why I know Senator MARKEY from Massachusetts is concerned about this and Senator MANCHIN from West Virginia, who was on the floor earlier. This is about our quality of life in this country and the ability for people to live full lives and about our public safety and about our children most of all.

The headline from the Union Leader over this weekend: "Fentanyl, other drugs suspected in three Manchester deaths." So we had three deaths in New Hampshire, in our largest city, within 24 hours, and those three deaths were from a combination of heroin and fentanyl. According to Assistant Fire Chief Daniel Goonan, in just 24 hours in Manchester, these overdoses claimed the lives of a 23-year-old man, a 29-year-old woman, and a 34-year-old man. That was in just a 24-hour period.

In fact, what our first responders are seeing—I did a ride-along with the Manchester fire department. I was there less than an hour. We went to an overdose, and I saw the firefighters and their emergency personnel bring someone back to life using CPR and Narcan. If we did not have that drug, the over 400 we had in New Hampshire—I can't even tell you what the numbers would be, because not only did I do a ride-along with the Manchester fire department, I did one with the police, too, and we went to two overdoses in an hour and a half, and I saw them bring those individuals back to life.

But lest we think this is something that happens on some other street or in some other neighborhood, I can assure you that this can happen to any family, and that is something we need to understand. That was really brought home for me from a wonderful family I met, Doug and Pam Griffin, who lost their beautiful daughter Courtney. They are wonderful people.

I think about what our first responders are facing. This same article I just talked about, over the weekend—unbelievable. Twice the fire department in Manchester revived a woman who was 4 months pregnant, working on her in front of her young children.

I will never forget the overdose I went to. The firefighters came into the room, and there was a young man on the ground. They administered the Narcan and brought him back. But do you know what was in the corner? A crib with a baby in it. The firefighter grabbed the baby and was bringing the

baby over. The father was lying on the ground.

So this is having a tremendous impact on not only those who are struggling with addiction but also their families and the children around them and the future generations.

In this article, the assistant fire chief from Manchester basically said: It is more deadly than we have ever seen.

So that is why I have been proud to work with my colleagues, proud to work with Senators WHITEHOUSE, PORTMAN, KLOBUCHAR, and so many others on the Comprehensive Addiction Recovery Act. I thank the members of the Judiciary Committee for voting that important piece of legislation out of the committee, and I look forward to us taking that up on the floor.

Right now pending on the floor, we have an important nomination for the FDA. That is why I come to the floor today, because if you look at what we are addressing here, we are concerned about heroin and fentanyl, but there is a very important connection for us to understand, unfortunately, and it is also why I have been such a strong supporter of prescription-monitoring programs. The opiates that are prescribed—SAMHSA has found that four out of five individuals who turned to heroin actually started with prescription opiates and misusing prescription opiates or overusing those and then transitioning to heroin because heroin is cheaper, unfortunately, on our streets.

So it is very important that we have the FDA engaging on this issue very aggressively with our medical community, that the FDA take a prominent role in ensuring that what they are saying is, this is the appropriate use of prescription opiates. In my humble opinion, the FDA needs to take a much more aggressive role than it has in recommending the appropriate uses and engaging the medical community and the pharmaceutical community, very importantly, on this discussion, this public health crisis we are facing.

We have come together as a body on this issue, and I think it is important that we have been working on this in a very bipartisan basis. But just to talk about the importance of the FDA and the leadership we need there, in 2013 we saw the FDA approve Zohydro—a powerful, pure hydrocodone drug—without an abuse-deterrent formulation, and an abuse-deterrent formulation is important so that it will be used for its intended purpose and not chopped up or otherwise abused. Yet the FDA approves Zohydro—this powerful, pure hydrocodone drug—without an abuse-deterrent formulation despite the fact that its own advisory committee voted against approving the drug by a vote of 11 to 2.

I see Senator MARKEY coming to the floor, and I appreciate his leadership on this. One of the things that I know have troubled Senator MARKEY, Senator MANCHIN, and me as well is that last year the FDA approved OxyContin

for use by children as young as 11, and when they did that, they did not have an advisory committee or use an advisory committee before taking that step.

So I would say that I certainly appreciate that I had the opportunity to sit down with Secretary Burwell on this issue and learn more about the FDA's action plan that it issued, but unfortunately I believe the agency has to go further than it is going. The example I would use is the issuance of the recommendations for the children as young as 11 with OxyContin, without an advisory committee on something so important, seems—to me, it just doesn't pass the commonsense test. So I would recommend to the FDA, let's make sure we have an advisory committee look at this issue carefully and then reissue a recommendation, because to me it seems important that we have that guidance and the careful, thoughtful approach of the advisory committee. Of course, what troubles me is we hope they would take the advisory committee's recommendations, unlike what happened with Zohydro, unfortunately.

So we need leadership right now in the FDA. I have concerns that we are not going to be in a position where we get the strongest leadership we can have. We have a nominee pending on the floor. These concerns are very important. I hope, if he is confirmed, he will be aggressive on this issue and that the FDA will take a stronger leadership role on opiates, understanding that they have a very important role when it comes to this public health concern.

Right now I am not satisfied with where we are. I believe there is so much more we need to do. That is actually why yesterday I voted to not go forward with this nomination, because I haven't heard this clear statement, I haven't heard what the leadership plans are on this issue.

While I appreciate some of the steps the Department of Health and Human Services has taken, those steps to me need to be very much strengthened. As I look at the FDA's action plan, it pledges to make the use of advisory committees more frequent, but it should require the use of advisory committees for all opioid pain relievers, not just when we decide we want to use it. This should be consistent, given that we unfortunately know that the data is there on the connection between misuse of opioid pain relievers and the connection to those who unfortunately then turn to heroin, with the deadly combination of fentanyl, which is killing people in this country.

Again, I wish to thank Senator MARKEY for his leadership on this issue. There isn't a place I go in my State where I don't hear from a mother, a father, a sister, a brother, a grandmother, a grandfather, a friend about someone who lost a loved one, lost someone they care about, because of heroin, opioids, fentanyl, the deadly combination that is killing people.

We have an opportunity, not only with the important work in the Comprehensive Addiction and Recovery Act to add more resources to address prevention, treatment, and support for our first responders but also the FDA has a very important role, and we need stronger leadership there and greater engagement of our medical community on the best prescribing practices for opioids. To me, this is an opportunity where I would like to see stronger leadership and I would like to hear a much more aggressive stance from this FDA.

Of all the issues we struggle with, the things we disagree on in this body—heroin, fentanyl, they don't care whether you are a Republican or a Democrat, I can assure my colleagues, or an Independent or a Libertarian because these drugs are taking everyone's lives. So as I think about all the issues we can come together on, this is one about our public health, about our public safety, about our quality of life, and it requires all of our leadership. There is nothing partisan about this.

I hope we will see stronger leadership from the FDA. I hope we as a body will build on what the Judiciary Committee did and bring to the floor the CARA bill that many of us have worked hard on and support each other's efforts to do all we can to end this public health crisis and ensure that none of us have to run into families of people in our State whom we represent who are losing people they love to heroin or fentanyl or misuse of opioid prescription drugs.

This is devastating. I know we can make a difference. This is something we can make a difference on in this body.

I thank the Chair.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts.

MR. MARKEY. Mr. President, I want to follow on with the discussion that Senator AYOTTE from New Hampshire was bringing to the Senate floor. What she is saying is just so accurate in terms of the pervasive nature of this opioid-driven epidemic—pandemic—in the United States of America. It is time for us to come together in a bipartisan fashion to deal with what is now the great medical storm sweeping across this country.

There has been a quadrupling of opioid-related deaths in just the last 14 years in our country. This is something that has to be understood. I heard Senator AYOTTE mention it, but we can't say it enough: 80 percent of all people in the United States who die from heroin overdoses begin with prescription painkillers—opioids—that have been given to them by physicians. Let me say that again. Eighty percent of the people who die from heroin overdoses started on prescription pills. They got addicted to the prescription painkiller. It deals with the same receptors in the brain. It creates the same kind of need in the brain, and when people get addicted to prescription pain medicine, it

is ultimately a very short to a product which is much less expensive—heroin—on the streets of the United States.

This epidemic has to be dealt with and it has to be dealt with where it starts and it starts at the FDA. It starts at the Food and Drug Administration. It starts with the agency that approves these drugs for sale in the United States of America.

Yes, the FDA stands for Food and Drug Administration, but over the last 20 years it really stands for "Fostering Drug Addiction," and it has to end. This is why the nomination right now of Dr. Robert Califf to be the new head of the FDA gives us an opportunity to talk about this issue, to talk about where it all starts, how it began, and what we are going to have to do in this body to reverse this trend, which last year led to the deaths of 30,000 people in our country. Again, I say to my colleagues that between 2000 and 2014, the heroin overdose death rate has quadrupled in the United States of America.

This is something that is recent. It is related to the FDA, and we have to now have an honest discussion about the role that agency is playing because we have become the "United States of Oxy." We have become a nation of 5 percent of the world's population that consumes 80 percent of the prescription painkillers in the world.

This overprescribing, this consumption of Oxy and Percocet, down the line has led to this epidemic, this contagion that is killing people on a daily basis in our country who otherwise would never have even contemplated using heroin or using any of these other more dangerous drugs.

That is why we are here. That is why I am recommending a "no" vote on Dr. Robert Califf.

The FDA has a chance to change its policies. Thus far, it is saying it will not change its policies.

In 2012, health care providers wrote 259 million prescriptions for opioid painkillers. That is enough for every single adult in America to have a bottle of these pills in their medicine cabinet. We should understand as we talk about this that the molecular composition of OxyContin is very similar to heroin. In fact, Oxycodone is the sole ingredient in OxyContin. OxyContin stands for oxycodone continuously in the bloodstream of the patient who is taking these pills. It creates this sense that you are able to deal with the pain. It creates this sense that you are being taken care of, but if it is not handled correctly over time, it then creates an addiction, and that addiction then leads to, once you are off these pills, to being out on the street buying the heroin or buying the Oxy you need in order to continue this habit.

So we have to start to deal with the issue very realistically in terms of this pathway that has been created into the minds of millions of people all across this country.

Thirteen hundred people died in Massachusetts in 2014, of the 30,000 people

in our country, as a result of this issue. We have the FDA, going back to the year 1996, accepting the misrepresentation of the pharmaceutical company Purdue, which represented to the FDA that OxyContin, in its original formulation, was abuse deterrent, meaning that since it was time-released inside of the patient, that, therefore, it was abuse deterrent and it could be prescribed safely to people all across our country. Well, it turned out that not only was that a misrepresentation to the FDA, but Purdue Pharma subsequently was fined millions of dollars and its executives punished for the misrepresentation they made to the Food and Drug Administration.

That was a brief 20 years ago, but that is pretty much where it all started. That is the original sin—accepting this whole notion of abuse deterrent.

Let's go to the FDA in more recent times. In 2012, there was a new opioid that the FDA had to consider for approval. That new opioid's name is Zohydro. The FDA impaneled 13 experts to examine that drug for the FDA. When those 13 experts concluded their examination of the drug by an 11-to-2 vote, the expert advisory panel voted, no, do not allow this new Zohydro drug out on to the marketplace. They said the standards for abuse are too low. The standards to deal with addiction are too low. The standards to deal with a diversion of the drug are too low. What did the FDA do in 2012? It approved Zohydro for sale in the United States over the objections of the advisory panel that had voted 11 to 2 against it—and these are experts.

Moving forward, the FDA decided to reexamine what it was going to do. So when it was considering Targiniq, when it was considering Hysinla, it decided to solve the problem by having no expert advisory panels which it would convene to examine the impacts of that drug before it got approved. That is a good way to solve the problem—just accept the representations of the company that it had abuse deterrent in it, and then you don't have to worry because you will not have to talk to experts on the outside again. So those two drugs got approved.

Then, in August of 2015, there was an application by Purdue Pharma, once again—that company's name just keeps coming back into the equation—they wanted approval to sell OxyContin to children ages 11 to 16. Now mind you, the actual standards at the FDA require an outside expert panel to look at approval for opioids being sold in America if it is controversial, if it could have a huge social impact in our society. And it specifically says in the FDA's own guidelines that if pediatric doses—if the proper dose for a child is involved—then the FDA should have an expert panel. What did the FDA do? The FDA decided no expert panel would examine the appropriateness of OxyContin being prescribed for children ages 11 to 16 in our country—no

expert advisory panel, which brings us to the nomination of Dr. Robert Califf.

We are now in a process where we are examining his nomination and his qualifications. This Senator leaves aside his own personal qualifications. This is not a debate, really, over Dr. Califf. It is a debate over the agency because the agency is saying—even today as we will be voting on Dr. Califf's nomination—they will not change. They will not convene expert outside advisory panels to look at this new generation of opioids with abuse deterrents built into them to determine whether or not they are actually appropriately being put into our society.

Today is the day to begin this debate. This nomination is the occasion that we can use in order to debate what has gone wrong at the Food and Drug Administration. If we don't start with a brandnew definition that gets created for abuse, for addiction, for what the standards should be for the use of these opioids, then this issue is just going to escalate until we are losing a Vietnam war's number of people every single year in the United States.

This is a pharmaceutical industry-created problem. This is a physician-created problem. This is an FDA-created problem. It is created by men and women, and it can be solved by men and women. This is not Zika, this is not Ebola, and this is not some disease that you can't really point to that is responsible. This is us, this is our country, and this is our culture. We did it. We created this problem. We are 5 percent of the world's population consuming 80 percent of all opioids—crazy. Really, it is crazy.

We have to finally come to the recognition that this is no longer some inner city heroin epidemic. This disease knows no barrier—racial, income, geography, employment—no barriers at all. It is spread across every single segment of the American population, top to bottom. There is no discrimination whatsoever.

We have to decide what we are going to do in order to make sure that we put the proper safeguards in place. Senator MANCHIN and I, Senators AYOTTE, SANDERS, BLUMENTHAL, and others have been raising these questions. To the credit of the Senate Judiciary Committee, they are considering legislation to bring to the floor. I thank Senators WHITEHOUSE, PORTMAN, SHAHEEN, AYOTTE, and Senators GRASSLEY and LEAHY for their work on that legislation, but that legislation does not conclude anything on this issue that I am talking about right now. This has to be solved by the FDA.

That is why this Senator has put a hold on this nomination, saying that they will not get this nomination until they change their policies. We are in the eighth year of this administration, and the policies still remain in place.

Abuse deterrent is really a contradiction in terms. If you take these pills—you are a carpenter or an ironworker,

and you have a bad back—you start taking these OxyContin pills right now, and you take them as they are prescribed, and you keep going month after month after month. You are increasing the likelihood on a daily basis that you are going to become addicted to these pills.

We have heard these stories over and over again about the pathway in from family members. They come into the office and talk about the pathway in that their child, husband, or son took. It all starts with the same story. They were given the prescribed pills.

Right now the industry is saying: Don't worry; there is an abuse deterrent. Tell that to these family members. Tell that to the families who have lost their loved ones. The drugs are not abuse deterrent. It is a contradiction in terms, like jumbo shrimp. There is no such thing. You need to be realistic about what this drug represents once it is consumed over and over again by people in our country who think that because the doctor has given them a bottle of pills, that is going to help them. That is one of the stories we hear over and over again from family members.

They say that they question themselves. Could they have done more themselves to help their family member before they became addicted? The common theme from each of them is that you have to assume, when a doctor is giving you a bottle of pills for your family member, that it must be good for them. It must be good for them.

It turns out that for 30,000 people in 2014, it wasn't good for them. This number is going to continue to escalate because we haven't put tough enough standards on the books in order to deal with these issues. By refusing to convene expert advisory boards to come in and to create the guidance which is going to be needed in our country going forward, we are going to have a continued flood of opioid deaths that could have been stemmed if we had dealt with this issue in the proper fashion.

This is not a hypothetical concern. The policy announced last week by the FDA would not have guaranteed an advisory panel for OxyContin on the market today. The FDA must change its decision not to seek expert advice against the risk of addiction before it approves any and all opioids.

I want to tell a little story. It is a story about one of maybe the five greatest basketball players ever to come out of the State of Massachusetts. His name is Chris Herren. Chris became a Boston Celtic. He was the greatest basketball player in Fall River history, was drafted in the first round by the NBA, and went to the same college I went to—Boston College. In an excerpt of remarks he recently made in DC at the Unite to Face Addiction rally on the National Mall, here is what Chris Herren said:

I truly believe when it comes to prevention and educating our kids, we need to stop focusing on the worst days and start educating about the first day.

At 18 years old, on the campus of Boston College I was introduced to cocaine. I promised myself one time—just one line. That one line took me 14 years to walk away from.

Despite myself at 22, my dream came true. I was 33rd pick in the NBA draft, but that same year I was introduced to a little yellow pill—a 40 milligram OxyContin that cost a 20 dollar bill. That 40 milligrams turned into 1600 milligrams a day. And that 20 dollars became a \$20,000-a-month Oxy habit. And just 2 years later, that pill turned into a needle and that needle stayed in my arm for the next 8 years.

I often say if you can't find it in your heart to have empathy for someone who is battling their illness, then you must know that he or she has a mother, father, son or daughter that is at home with a broken heart that wants them back. Just one pill, lives impacted, some recover and many are lost.

Another story—Kaitlyn Oberle from Scituate, MA. Here is what she says:

I have survived a fatal opiate overdose, yet I never abused opiates.

On November 13, 2015 I spoke to my 27-year-old brother for the last time. Less than 30 minutes after our final conversation, he passed away from an opiate overdose.

He was only 16 years old when he first encountered the demon that consumed the better part of his adult life; sadly, that same demon ultimately killed him. Injuries from a dirt bike accident left him with two broken arms, a knee injury, and what felt like an unending supply of prescription opiate painkillers. After his bones mended, he was left with an untreated gaping open wound that would never fully heal itself: an opiate addiction.

During my brother's recovery he painted a picture for me of how easy it was for him as a high school teenager and student athlete to call his doctor and request refills for his pain pill prescriptions. When he no longer had injuries to substantiate a prescription, he turned to illegal forms of opiates in both pill and intravenous form. Unfortunately, the damage to his brain had been done.

There are many facets to what may cause someone to become addicted to opiates, and there are equally as many angles of attack before there is substantial progress to a viable solution. Mr. Senator, I am writing to you because I am a survivor. I've lived through my worst fear by knowing I can be a voice in helping prevent future deaths caused by opiate addiction.

As you convene to debate the fitness of Dr. Robert Califf's nomination for head of the Food and Drug Administration, please ask the Senate to reflect on his time as deputy commissioner.

As second in power at the FDA, he has had a chance to do something about these issues. It is time for a change in culture at that agency.

A third letter—final letter written by Stephen Jesi, from Malden, MA:

I am writing to you as a longtime Maldonian and a father of a 33-year-old daughter Stephenie who passed away on December 13, 2015 of a heroin overdose.

Stephenie overdosed on Thursday, two days prior to her death and was released by the hospital at 11:39 p.m. on to the streets. We've experienced this first hand many times. Thank God for Chief Campanello of the Gloucester Police Department who picked up the phone, talked to us, talked to Stephenie, and assisted us in every way he could to get her into treatment. Everybody

else just said sorry, there is nothing we can do.

I believe that our medical community along with the pharmaceutical industry are grooming and developing drug addicts and putting them right into the hands of the cartels and the drug dealers. Way too many prescriptions are written for more narcotics than are necessary after surgeries with no follow up. Many of those who are predisposed to addiction, either by genetics or co-existing mental health issues, are easy prey for these drugs that begin as legally prescribed. Once they are addicted and can no longer afford the medically prescribed version of the medication they fall into illegal drugs and from there too often the addiction has taken control of their lives.

The pharmaceutical industry along with our medical community has to prescribe these highly addictive narcotics much more carefully and offer less addictive medication whenever possible. Most patients take these narcotics for just a couple of days after the surgery but are provided a much longer supply where they can easily fall into the hands of the addict. Our legislators and government officials cannot be tied to the desires of the pharmaceutical lobbyists.

This is the cry that is coming out from every community in America. Individuals are saying: How did this happen to my family? How could that accident with the broken leg or the back pain turn into an opioid overdose? How could it have happened? Well, it happened because the medical community and the pharmaceutical industry have not put the protections in place for us to be able to deal with it.

Let me give you this number. This is a crazy number. It is a crazy number. Over the last 15, 20 years, there has been a dramatic increase in the number of prescription opioid pills that have been allowed to be sold in America.

So I am just going to ask people who are listening to this, pick a number. How many 10 milligram prescription opioids were allowed to be made in America last year? Just pick a number. We have 300 million people in America. How many of these pills were allowed or given the permission to be made by pharmaceutical companies? Here is the answer—14 billion. May I say that again—14 billion opioid pills for our country.

The numbers are out of control. The overprescribing is out of control. We have to find a way to dramatically reduce the amount of drugs that are being sold legally in our country. Before we even reach illegal, you have to start with legal. That is the problem because the Drug Enforcement Administration, the agency responsible for deciding how much each pharmaceutical company can manufacture each year, doesn't even announce how much each company is given permission to manufacture; instead they just announce the gross number of total opioid materials that can be put into pills in our country each year.

Does anyone understand this in America, that that is the process? The FDA allows the company to sell it. Then it goes over to the DEA. Then the DEA picks a number of pills that can be sold, and then physicians are al-

lowed to prescribe these pills, but this is the FDA's own number.

Listen to this. The FDA asks for voluntary guidelines to be put together for physicians' education so they know what they are doing with these opioids. Pick a number in your brain as to how many physicians have voluntarily accepted medical education on the consequences of prescribing opioids.

Pick a number. Here is the correct answer: 10 percent of physicians. That is it. On something that is so catastrophic, something that is creating an epidemic in our country, you would think this would be mandatory; that the medical associations at the State level, the national level had created some kind of mandatory education. It hasn't happened.

Is it mandatory in medical schools across America that they receive education as to what the consequences are of prescribing opioids? Not at all.

So who would think a physician would have to be trained in how to handle pain? I mean, a physician is only dealing with the issue all day long, every single day. You would think there would be some understanding then of what the consequences were of the medicines they were prescribing. No courses in medical school are mandated. No courses are mandated after you have graduated, you are practicing medicine, and now you are licensed by the DEA to prescribe opiates—no courses.

So as we move forward on the legislation that is going to be coming out on the floor of the Senate, I intend to make an amendment—Senator BLUMENTHAL and I tried to make it in the Judiciary Committee, and we are going to be making it on the Senate floor—requiring the Drug Enforcement Administration to require mandatory education for any physician who wants to prescribe these drugs. That is the minimum, the minimum that the medical profession should have to accept as a responsibility before they are allowed to prescribe these drugs.

There is another amendment which I am working on with Senator PAUL of Kentucky, and that is an amendment that is going to increase access to medication that can help people deal with their addictions. Again, that is a classic example of a Democrat and Republican working together on these issues. Senator AYOTTE and I have an amendment that would create a Good Samaritan protection for any American, any family member who wants to apply Narcan to a family member or someone who has overdosed and would die in the absence of Narcan, the antidote, being applied to them. Senator AYOTTE and I are working on that amendment.

We are trying hard to find ways where, unfortunately, legislatively we can act. This should have happened at the agencies. This should have happened in the medical profession. We shouldn't be forced to debate this on the Senate floor, but it is absolutely,

indispensably necessary for us to take this action.

This is the epidemic of our time. The death rates now in the age group that is affected by this epidemic are now declining at the same rates as they did during the war in Vietnam. We haven't seen anything like this since the war in Vietnam in the death rates—30,000 people—quadrupling in 14 years, escalating on a daily basis. It is time for the Senate to take real action on this issue so we can deal with it.

In Boston, MA, we had a police chief who saw that something had gone wrong, Chief Campanello. He said that incarceration doesn't work and instead treatment should be substituted. So beginning last June, what Chief Campanello said in Gloucester, MA, was that if you come in and you are an addict, you have a problem, you come into the police station, bring your drugs with you, we are not going to arrest you, we are going to put you into treatment immediately—no arrests. Four hundred people have walked into that police station in Gloucester, MA, in just 8 months—400 people. By shifting the paradigm from arrests to treatment, 800 more people—800 total across the country—as city after city, town after town adopts this model, have now accepted that as a better route for them in their lives, to just turn themselves in at the local police stations.

He has partnered with a man named John Rosenthal. John Rosenthal is an activist in our State, and he helps to fund this program. Last Wednesday night, tragically, John Rosenthal's own nephew, Nathan Huggins-Rosenthal, age 34, died of an overdose in Calgary, Canada. My heart goes out to the Rosenthal family because obviously they were committed to dealing with this issue, pioneering ways to have addicts be able to have a place they can go. Yet in John Rosenthal's own family, his nephew overdosed just last Wednesday night.

As Senator AYOTTE was saying, there is no neighborhood immunity. There is no family who is completely protected. This epidemic has been created by pharmaceutical companies, by physicians, by the agencies responsible to deal with it, and it is now time for us to put in place the protections which are needed to deal with it.

Let me give you opioids 101 so you can understand how we get to this—what are opioids, how do they work, and why do they lead to heroin abuse. Here is how it works. It starts with a seed pod of the opium poppy. We get the morphine, a naturally occurring opiate pain reliever from that pod seed. The morphine interacts with so-called opioid receptors that are found in high concentrations in areas of the brain that control pain and emotions. Taking opiates can increase the levels of dopamine in the brain's reward areas and produce euphoria or a rush of pain relief and relaxation. In fact, morphine, which was first identified in the early 1800s is named after Morpheus, the Greek god of dreams.

In 1895, the Bayer Corporation, Bayer Aspirin—the Bayer Corporation in Germany introduced a new cough suppressant marketed as a safer alternative to morphine. This new wonder drug was called heroin. In the 1920s, drug manufacturers began making fully synthetic analogs to morphine. They were called opioids. These drugs contain the same basic chemical framework as morphine, and they have exactly the same mechanism of action in the brain. They share common chemical features that allow them to buy into the brain's opioid receptors, and they all are considered highly addictive. These drugs vary widely in potency. That is the amount of the drug required to reach the same level of pain relief and sedation as morphine.

OxyContin, for example, is 150 percent as strong as morphine. Heroin is also an opioid. They share the same fundamental chemical structure. Heroin binds to the very same receptors in the brain and produces the same euphoria and sedation, and heroin is plagued by the same addiction potential. Heroin is classified as a schedule I drug, the most dangerous class, because it has no accepted medical use and a high potential for abuse and addiction.

So this is the pathway between opioids and heroin and why that pathway is very short. It is all about the chemistry because OxyContin has the nearly identical molecular constitution as heroin. Over time, the brain, the receptors are saying: I need to have to continue to have that hit. Thus, we have this epidemic where 80 percent of all people in the United States who are dying from heroin overdoses started on prescription opioid drugs that had been prescribed by their physicians. Physicians should have to be educated. The FDA should have expert advisory panels that give the strongest possible guidance to the pharmaceutical companies. That is what is missing in this equation. It starts there.

We need a debate on \$1.1 billion for more treatment and more education, and we are going to have that debate on the Senate floor. These local families, these local groups, they are heroes, but heroes need help, and it is time for us to fund those programs in the same way we funded the Ebola crisis and the same way we are being asked to help to fund the Zika crisis. We have a crisis in America ourselves, but if we don't deal with the issue right from the beginning at the FDA, at the DEA, and at the AMA, we are not going to solve this problem. We are just putting medical facilities in place to deal with the consequences of having no policy. This is our great opportunity to have a debate in our country.

I can't thank the Members enough for beginning to deal with this issue on a serious basis, but we can't be afraid of the pharmaceutical industry. We can't be afraid of the American Medical Association. We can't be afraid of the bureaucrats in these agencies who say: Oh, Mr. or Ms. Senator, we are the

experts. You don't know what you are talking about.

Well, just let me tell you this. The people of the United States don't trust the experts anymore in these agencies. They want more accountability. They want other experts to come in to check those experts, to ask the tough questions on behalf of the American people.

That is why I have a hold on Dr. Robert Califf's nomination for the FDA, because right now the FDA is saying it is going to continue business as usual and that is just wrong. That is just plain wrong. It has to stop there. The signal must come from this administration.

I thank all the Members for this discussion, for where we are today and where we are going to have to go in the months ahead, but I don't think we should end this year without a fundamental change that has taken place in our society in this relationship.

I will just add one final issue, and that is the issue of how many pills, how many pills a doctor can prescribe initially to a patient. We are now debating that issue in the State of Massachusetts. Governor Baker has been saying it should only be 3 days' worth of pills. One of the counterproposals is 7 days of pills that can be used by the patient.

I do know this. We have to start here because right now doctors are handing out bottles of 60 to patients who only need a week's worth or 3 days' worth. When you leave a dentist's office, you don't need 60 days' worth of pills for your wisdom teeth that have been removed. When you have some pain that you just got from playing a softball game and you have twisted your back, you don't need a bottle of 60 or 30. You might need a few pills for 3 days or 7 days, but you don't need the 60. Having that 60 in that medicine cabinet is the beginning of the problem.

I thank Governor Baker for what he is doing on this issue. They haven't resolved it in Massachusetts. I think we have to debate that in the Halls of Congress as well. They are all related, how these pills get into the blood system of our country.

Again, I thank all of the Members for their consideration of this issue.

Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

#### RECESS

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

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m.

and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, are we still in recess?

The PRESIDING OFFICER. The Senate is now postcloture on the nomination.

The Senator may proceed.

#### REMEMBERING JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, I rise to honor the memory of one of our Nation's greatest champions of limited government under the Constitution, Justice Antonin Scalia. Justice Scalia set the standard for the kind of judge upon which liberty depends. He was a dear friend, and I will miss him greatly.

The purpose of government, according to the Declaration of Independence and the Constitution, is to secure inalienable rights and the blessings of liberty. Liberty exists by design and, as Andrew Jackson put it, by eternal vigilance. America's Founders were clear that liberty requires separated and limited government powers, including a particular role for unelected judges. Judges who seek to determine what the law is promote liberty; judges who say what they think the law should be undermine it.

Put simply, judges must interpret and apply the law impartially; that is, by setting aside their own opinions, preferences, or prejudices. Interpreting and applying the law impartially particularly leaves the American people and their elected representatives in charge of the law. When they interpret written law impartially, they discern what the original public meaning of the law is. When judges apply the law impartially, they pay no regard to the identity of the parties or the political effects of their decision. Judges can neither make nor change the law they use to decide cases. That is the kind of judge liberty requires. That is the kind of judge Antonin Scalia was.

When President Ronald Reagan first appointed Antonin Scalia to the U.S. Court of Appeals for the DC Circuit in 1982, the future Justice said to those of us on the Judiciary Committee that if confirmed the time for him to opine on the wisdom of laws would be "bygone days." When he again came before the committee a few years later as a Supreme Court nominee, he repeated that setting aside personal views is "one of the primary qualifications for a judge." He described a "good judge" as one who starts from the law itself and not "where I would like to come out in [a] particular case."

Justice Scalia's brilliance and wit were certainly impressive, but they were powerfully connected to this deeply considered and deliberately framed judicial philosophy rooted in the principles of the Constitution. He stuck

doggedly to this ideal of the good judge whose role in our system of government is limited to properly interpreting the law and impartially applying it to decide cases. His approach requires self-restraint by judges. Judges, he often said, must take the law as they find it and apply it even when they do not like the results. In his own words, "If you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach."

Liberty requires such judicial self-restraint, whether it is en vogue or not. As President Reagan put it when he witnessed the oath of office administered to Justice Scalia in September 1986, America's Founders intended that the judiciary be independent and strong but also confined within the boundaries of a written Constitution and laws.

No one believed that principle more deeply and insisted on implementing it more consistently than our Justice Scalia. His approach to the law was often called textualism or, in the constitutional context, originalism—an approach which is nothing more than determining the original public meaning of the legal text. It leaves the lawmaking to the lawmakers and the people they represent, rather than to the judge.

The Senate unanimously confirmed Justice Scalia's nomination on September 17, 1986, the 199th anniversary of the Constitution's ratification. That was very appropriate because his approach gives the Constitution its real due, treating it as more than empty words on a page but as words that already have meaning and substance. Justice Scalia knew that the Constitution cannot limit government's power if government actors—including judges—define the Constitution.

Justice Scalia rejected judicial activism—what he called power-judging—that treats the law as shape-shifting. For activists, the laws and the Constitution have no fixed meaning but can rather be contorted and manipulated to fit the judge's own policy preference. Such an approach puts the unelected judge, not the American people in their elected representatives, in the position of supreme lawmaker.

Thomas Jefferson warned that if judges controlled the Constitution's meaning, it would be "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please." That is exactly what activist judges do, treating the law like clay that they can mold in their own image.

Rather than reinterpreting the law in his own image, the good judge conforms his decisions to the fixed meaning of the law. By insisting that even judges must be the servants rather than the masters of the law, Justice Scalia was simply following the lead of America's Founders and empowering the American people.

Justice Scalia's approach to judging not only requires self-restraint by judges, but it also demands rigor and accountability by legislators. The good judge takes seriously the language the legislators enact, so the people can hold accountable the legislators they elect.

The famed Senator and Supreme Court advocate Daniel Webster once said that "there are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters." Those who object to Justice Scalia's approach embrace the notion that judges, rather than the people, should be the masters of the law.

Justice Scalia's impact has been enormous. A liberal legal commentator may have put it best in his review of Justice Scalia's book, "A Matter of Interpretation," with these words:

We are all originalists now. That is to say, most judges and legal scholars who want to remain within the boundaries of respectable constitutional discourse agree that the original meaning of the Constitution and its amendment has some degree of pertinence to the question of what the Constitution means today.

Justice Scalia brought the boundaries of respectable constitutional discourse more in line with the principles of liberty than they had been in a generation. For that, our liberty is more secure, and we should be deeply grateful.

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

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

#### REMEMBERING JUSTICE ANTONIN SCALIA AND FILLING THE SUPREME COURT VACANCY

Mr. CORNYN. Mr. President, this past Saturday I was honored to attend the funeral mass for Justice Scalia. I couldn't help but recall back when President Reagan nominated him for the Supreme Court of the United States. At that time Judge Scalia said that "[his] only [agenda] was to be a good judge."

Today, 30 years later, it is clear that Justice Scalia, who until his death served longer than any of the current members of the Supreme Court of the United States, was more than a good judge. In fact, he was a great judge. He was a giant of American jurisprudence.

As I got to know him even better during the course of the more recent years, thanks to a mutual acquaintance, I can tell you he was also a good man. My first encounter with Justice Scalia was back in 1991 when I won an election to be on the Texas Supreme Court and the court invited Justice Scalia to come to Austin, TX, and administer the oath of office. At that time I already admired his intellect



and commitment to the Constitution and the rule of law, and believe me, he was an inspiration to young judges like me who were inspired to do the same. He has been an inspiration to so many judges, lawyers, and law students for decades.

I admired and respected Justice Scalia. Like many Texans, I was proud of the fact that he also seemed to love Texas, believe it or not, even though he was a Virginian. He remarked once that if he didn't live in Virginia, he would "probably want to be a Texan."

I wish to spend a couple of minutes remembering this great man and the contributions he made to our Nation. Beyond his incredible resume, Justice Scalia was a devoted husband to Maureen for more than 50 years. He was a dedicated father to 9 children and a grandfather to more than 30 grandchildren. As I said earlier, he was not only a family man, which I am sure he would have considered his most important job, he was a role model for a generation of lawyers, judges, legal scholars, and those who loved the Constitution.

One of the interesting things about Justice Scalia—and perhaps he could teach all of us a little something these days—was that he was quick to build relationships with people who had different views from his own and fostered an environment of collegiality and friendship on the Court.

As we learned earlier, Justice Scalia had relationships with people with whom he couldn't have disagreed more on key issues that the Court confronted—people like Justice Ginsburg, for example. We all know he was a gifted writer and possessed an infectious wit, but Justice Scalia's most important legacy is his life's work and his call for a return to our constitutional first principles.

Justice Scalia strongly believed that words mattered, and I think that is one of the reasons why he quickly became one of the most memorable writers on the Court and one of the best in the Court's entire history. He believed the words written in the Constitution mattered because that was the only thing the States voted on when they ratified the Constitution. Those were the words with which the American people chose to govern themselves. For decades he tried to give those words force and fought against an attempt to say that we really don't have a written Constitution; we have a living Constitution that should be reinterpreted based on the times when, indeed, the text had not changed one bit.

His originalist interpretation of the Constitution meant that he viewed the Court as a place to vindicate the law and what it meant, not express the preferences of five Justices. Justice Scalia was one of the most fervent advocates for the rule of law and a written Constitution. On many instances, he made the important point that if the Supreme Court was viewed merely as a group of nine individuals making

value judgments on how our country ought to be governed under our Constitution, then the people may well feel that their values were equally as valid as those of the "high nine" on the Potomac given life tenure and a seat on the Supreme Court. It was his strict adherence to the text of the Constitution, and not evolving value judgments over time, that gave protection to our democracy.

Justice Scalia was strongly committed to the separation of powers. This is so fundamental to the Constitution that, until the first Congress, James Madison didn't even think that we needed a Bill of Rights because he felt that the separation of powers and the division of responsibilities would be protection enough because they viewed the concentration of powers, the opposite of separation of powers, as a threat to our very liberty. I think he said that the very definition of tyranny was the concentration of powers. So he saw the separation of powers as nothing less than the most important guarantor of our liberty and the most important shield against tyranny.

In one dissent Justice Scalia wrote "without a secure structure of separated powers, our Bill of Rights would be worthless." I guess you would have to say he is a Madisonian and not a Federalist by temperament and view. This recognition of the importance of separation of powers could not be any more important at this point in our history because scarcely a month goes by when this administration has chosen to undermine this basic constitutional precept by exerting itself and claiming authorities which the Constitution does not give the President.

Justice Scalia understood what was at stake. He believed that every blow to the separation of powers would harm our Republic and liberty itself.

As Justice Scalia wrote in a case in which the Court unanimously struck down the President's violations of the constitutional doctrine of separation of powers, he said: "We should therefore take every opportunity to affirm the primacy of the Constitution's enduring principles over the politics of the moment." He continued, warning against "aggrandizing the Presidency beyond its constitutional bounds." That is what Justice Scalia did time and again, and that is what he reminded all of us about—the importance of doctrines of separation of powers, adherence to the text of the Constitution, and not making it up as you are going along or expressing value judgments that can't be related to the actual text and original understanding of the Constitution.

The question arises: When the President makes a nomination to fill the vacancy left by Justice Scalia's death, what is the constitutional responsibility of the U.S. Senate? It is true that under our Constitution, the President of the United States has a unique role and the authority to make a nomination to fill this vacancy, but it is also true that the Senate has an essen-

tial and unique role to play as well. The founding generation regarded the Senate's role in the appointment process as "a critical protection against 'despotism.'" Nothing less. That means that the U.S. Senate has a unique and separate role to play, and certainly a coequal role with that of the President, in the process of filling vacancies on the Court. We are not, and the Constitution never intended us to be, a rubber stamp for the President of the United States.

I know that President Obama would love to nominate somebody in the waning months of his last term of office as he is heading out the door and perhaps fill this vacancy, which in the case of Justice Scalia was filled for 30 years, far extending President Obama's term of office. That is not what the U.S. Senate is about. We are a coequal branch of government, and we have an independent and separate responsibility from that of the President. He can nominate anybody he wants, but it is up to the Senate, in its collective wisdom, on whether or not to grant advice and consent. When we say that, we mean that if the Senate did not play its unique role, liberty itself would be weakened and despotism strengthened.

As I said before, the American people can and should have a voice in the selection of the next Supreme Court Justice. In the waning days of this Presidential election year after voters have already cast their ballots in primaries for Republican and Democratic candidates—even as I speak, there is a caucus convening today in Nevada—I believe giving the American people a choice in who selects the next Justice of the Supreme Court is very important. I think it elevates what is at stake in this next election this November, and that means simply that this vacancy should not be filled at this time by this President.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from California.

#### FILLING THE SUPREME COURT VACANCY

Mrs. BOXER. Mr. President, I came to the floor because I am stunned. I just learned that the Republicans have announced to the country they will not even call a hearing, if and when President Obama does his job and nominates a replacement for Justice Scalia.

We send our heartfelt sympathy to his family.

I don't know where the Republicans have come up with this notion that this is the right thing to do. If you look at the strict constitutionalists, you know they are reading the Constitution, unless they are phonies. This is what the Constitution says, the President shall "nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court." Where in this does it say: except in election years. As a matter of fact, we have acted 14 times in election years.

Whoever is a strict constructionist should read the Constitution, article II, section 2, clause 2. I am going to read it again: The President shall "nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court."

It doesn't say as Senator CORNYN said: Oh, the President can nominate, but nobody else has a job to do. Oh no. It says: "... and with the Advice and Consent of the Senate . . ."

To have such a press conference, as I understand it—I didn't see it myself, but it has been reported to me—there has been an announcement that the Republicans will not even hold a hearing, which goes against this Constitution. I wouldn't be surprised if there is a lawsuit brought by the people of this country, 70 percent of whom believe we have an obligation. We have an obligation.

Nowhere in the Constitution does it say it is too late for the President to nominate. Guess what. The Republicans keep saying we need an elected President. Well, I have good news for them. This President was elected twice and he has about a year left. Guess what. I am not going to run again, but I am here now. I want to work. I did not take this job to have a year off and not worry about working in my last year.

Nowhere in the Constitution does it say: Oh, and by the way, don't advise and consent if it is a Democratic President in his second term. It does not say that. So if you consider yourself a strict constructionist, then pay attention to this. I am proud that several Republicans on the other side said: Baloney, we don't go along with it. Good for them and more should do it.

It doesn't say in the Constitution, you only advise and consent if it is a Republican President with a Republican Senate.

Again, the Senate over the years has repeatedly considered Supreme Court nominees in both election years and in the final year of a President's term.

Justice Kennedy, who serves now, a fellow Californian, was nominated by President Reagan in 1987. I was over on the House side, and I didn't have anything to do with it, but I sure watched it. Kennedy was confirmed by a Democratic Senate during Reagan's last year in office.

My Republican friends say: Oh, but this Senator said this about it and that Senator said that and JOE BIDEN said this. It doesn't matter what people say. It is what we do, and 14 times in history we have voted on judges in an election year.

My Republican colleagues who suggest that this process cannot be done before President Obama leaves office are fooling themselves. History has disproven them and the Constitution is going to chastise whoever says: I want a dead Constitution. Read this. This is very clear. It absolutely is.

So I have a message for my Republican friends. Pretty simple. Pretty simple. Do your job. Do your job. If you are afraid to do your job, then do something else with your life. If you don't want to do your job because you are worried that one moderate may get through, then make your argument. If you want to vote no, vote no, but to hold a press conference and say you will not even hold a hearing is outrageous.

Every day in talented cities across this country, Americans show up for work and they do their jobs. They don't call their bosses and say: You know, I just don't feel like doing this today. I am healthy, I am fine, I am well, but you know what, I don't want to do my job. They would be fired and they should be. Do your job. You are elected to do your job. The American people show up for their jobs. They do their jobs. It is as simple as that. The Justices of the Supreme Court show up and they do their jobs every day. Justice Scalia did it. They all do it. They hear cases. They write opinions.

The Supreme Court is the last stop on the justice train, but to be able to function as our Founding Fathers in the U.S. Constitution intended, they need a full bench with all nine Justices. A Supreme Court with eight Justices is not a functioning Court.

Let us look at the Republicans' hero, Ronald Reagan. We always hear them say: Ronald Reagan. I was proud to serve in the House during Ronald Reagan's term. I didn't agree with him on a lot of things, but I agree with him on this. Do you know what he said?

I look forward to prompt hearings conducted in the spirit of cooperation and bipartisanship. I will do everything in my power as President to assist in that process.

President Ronald Reagan, November 12, 1987. What did he say? Did he get up and say: Oh, it is an election year—which it was. No. Kennedy was voted on in an election year and President Reagan made the case.

This is what else Ronald Reagan said: "Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body."

Let me say that again. Ronald Reagan, who was pushing for a vote on a Supreme Court Justice in an election year, said the following: "Every day that passes with a Supreme Court below full strength impairs the people's business in that crucially important body."

I don't understand where the Republicans are coming from. They are disregarding Ronald Reagan, their hero. They are disregarding the Constitution that they say is their shining star of their being, which it should be for all of us, and they stood there today and blatantly announced they are not even going to hold a hearing on a nominee before they even know who he or she is. What is that about? I am truly stunned. I thought I had seen everything, but I have never seen this. You show up and you do your job.

I am going to show you a few other quotes of people who are very important to this conversation and what they are saying about not moving forward. How about Sandra Day O'Connor, what an incredible woman. She was appointed by Ronald Reagan, the first female ever appointed to the Supreme Court, a magnificent person and a Republican.

What did she say? "I think we need somebody there, now, to do the job, and let's get on with it." She just said that 10 days ago or less. Is she a partisan? I don't think so. She is speaking from the heart. She is speaking from her soul. She is speaking from experience. She knows the Court has important cases before it and will be tied in knots if we don't have a Court at full strength.

Again, here is what she said, Republican Sandra Day O'Connor, esteemed member of the Supreme Court, a Ronald Reagan nominee: "I think we need somebody there, now, to do the job, and let's get on with it."

I am going to show you two more quotes. This is from the American Constitution Society:

A vacancy on the Court for a year and a half, which is what the Republicans want, at least a year and a half, would mean many instances where the Court could not resolve a split among the circuits. There would be the very undesirable result that the same federal law would have differing meanings in various parts of the country.

That is the American Constitution Society.

Then we have another quote I wish to share with you by the director of the Byron White Center at the University of Colorado:

It would essentially shut the Supreme Court down for two years. It would be a monumental crisis for the development of the law and the need to resolve large legal questions.

Let me say it again.

It would essentially shut the Supreme Court down for two years. It would be a monumental crisis for the development of the law and the need to resolve large legal questions.

It is not as if large legal questions aren't at stake. Right now the Supreme Court is set to look at some incredibly important cases that have real effects on our people. This isn't some argument in a salon. This is real stuff. The cases can't wait, and it doesn't matter what side you are on with these cases. They have to be resolved.

What about voting rights? I don't think there would be a difference of opinion in this Chamber that this is what makes this country great and special, the right to vote, the responsibility to vote. We have many States that have put forward voter ID laws. They need to be told whether they are fair or unfair, whatever side you come down on. We need a Court to look at voting rights cases and see who the eligible voters are.

Affirmative action. They are going to reexamine that case. Whatever side you are on, it has to be decided.

Workers' rights. The Court will decide the impact of the ability of the union to represent millions of working Americans. Whatever side you are on, there needs to be a decision, otherwise you are going to have different States with different laws and it makes no sense.

This is one Nation under God. That is why we have a U.S. Senate and a U.S. House and a U.S. President and a U.S. Supreme Court—because we are one Nation and these issues have to be decided. There is one on employee discrimination. How do people get their day in court if they are being discriminated against? It doesn't matter what side you are on. The fact is there needs to be a decision.

Women's health. There is a big case on women's health as to whether workers can get birth control. Again, whatever side you are on, pro, con, there needs to be a decision.

It is about women, health care, voting rights, students. These cases have real consequences. I am going to conclude with one more chart that deals with the length of Supreme Court Justices for the past 35 years. Here you see the list of the various nominees. Not all of these made it, a couple did not, but here is the deal with these. O'Connor waited 95 days, Rehnquist 92, Scalia 82, Bork 109, Kennedy 113, Souter 74, Thomas 110, Ginsburg 137, Breyer 114, Roberts 90, Alito 95, Sotomayor 97, Kagan 118.

Under MITCH MCCONNELL's plan, the Republican plan that they laid out, if you averaged all of this, you get 102 days. That is the average it takes. Under MCCONNELL's plan, it would take 444 days, at best. That is assuming everything goes perfectly well. It could take a lot longer.

What does this mean? Anyone within the sound of my voice has heard this: Justice delayed is justice denied. That is a fact. And it is used throughout the country when we talk about the importance of making these decisions. When our constituents go to jury duty, what are they asked? Can you make this decision? Can you come to this decision? Because everyone deserves to have an answer.

So, in conclusion, take a look at this. This is an abomination. This is the number of days we have seen over the last 35 years that it took to confirm. Fourteen of our Justices have been confirmed in election years since the beginning of this country, and this takes us back to the Civil War days—imagine—when we really had a country divided.

This is not what we need to do right now, with all of these decisions coming up. Regardless of your stand on them, people deserve justice.

I will conclude with the "Do Your Job" chart because I have to say that is what it comes down to. I urge the people of this great country to call the Republicans, every one of them, with three words: Do your job. And if the person who answers says "I don't know

what you mean," say "Do your job. Let the process move forward on the Supreme Court Justice." And if they say "Well, we want an elected President," what will be told to them is "We are fortunate. We have one, elected not once but twice." More than enough time remains for him to do his job, and more than enough time remains for us to do ours.

Republicans, do your job.  
I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the importance of filling the current vacancy on the Supreme Court of the United States. I appreciate the words of my colleague from California.

I wish to begin by saying that my prayers and thoughts are with the family and friends and Supreme Court colleagues of Justice Scalia. He was a great scholar who had friends in many places. Just last week I was at the University of Chicago Law School, where I went to law school, and so many people have stories. He used to teach there. He taught there for a long period of time, and they miss him very much.

The Supreme Court has the constitutional responsibility to weigh some of the most important issues facing the American people. From freedom of speech, to due process, to doing business in America, Supreme Court decisions have impacted and continue to impact the daily life of every citizen of this country. As one of the three pillars of our government, we value the Court's distinctive insulation from public opinion. Justices commit themselves to the law and to the Constitution and not to politics or partisanship.

Americans need and deserve to have a functional and fully staffed Supreme Court. We cannot delay consideration of the next Supreme Court nominee. As my colleague just pointed out, we would have to go back to the Civil War, to a time where a position—an important key position on the Supreme Court of the United States—was left open. We would have to go back to a time when it was left open for more than a year. We would have to go back to a time before we had planes, before we had automobiles, before we had washing machines—you name it. We would have to go back to the Civil War.

Delaying the confirmation of a new Justice will prevent the Court from issuing binding precedent and deny access to justice for Americans. Lower courts will be left with decisions, and decisions will not be made in those cases. That is why the Constitution of the United States says that the President shall—shall—nominate someone to the Supreme Court. It doesn't say that he will wait for a year. It doesn't say that he can't do it in an election year. It says that he shall nominate someone.

We have a lot of Members of this great body who are lawyers, a lot of whom I have heard quoting the Con-

stitution. A lot of them believe in strict interpretation of the words of the Constitution. Well, the words of the Constitution say that the President "shall nominate" and that the Senate's job is to "advise and consent." It says that it is the Senate's job. It doesn't say that it is the Senate's job to avoid things and to just go on TV and to run ads. No. It says that the Senate has a job to do. The Senate has a job to do.

Both the President and the Senate have a constitutional duty to protect the Supreme Court's ability to function and dispense justice—not to tell the Supreme Court what to do, not to dictate their decisions, but to make sure they are simply able to do justice. This means they must be fully staffed and have the Justices in place, and it also means they should be funded. Those are our jobs.

According to our Constitution, the President replaces vacant seats on the Supreme Court. That duty does not end, as I noted, in a Presidential year, just as the responsibilities of all Senators in their States and in their Nation do not end in an election year.

President Obama was elected to serve out his entire second term, not just the first 3 years. For 332 long days, the President will be the democratically elected President of the United States—democratically elected, as in a democracy, as in how our democracy functions. He has an obligation to all Americans to dutifully execute his oath of office.

The President has not yet announced a nominee to fill the current vacancy on the Court. When he does, it will be the constitutional duty of each one of us to consider the nominee on his or her merits and then choose whether to vote yes or no. It is really not that hard. It is what the kids learn when they are taught social studies and civics when they are in elementary school. The American people who voted for us, as well as those who didn't vote for us, expect us to do the jobs we were elected to do, regardless of the timing.

A complete refusal to engage in this constitutionally required process before the President has even announced a nominee is dangerous for our system of governance. It defies the words of the Constitution. This Chamber would be neglecting a key constitutional duty if it prevented a well-qualified nominee from serving on the Supreme Court. And guess what. How do we figure out if someone is well qualified? We have hearings. That is what we have been doing for decades now. We have hearings to figure out whether this person is qualified. That is how we advise. That is how we consent. That is how we do our duty under the Constitution.

It is for that reason that I urge my colleagues to continue in the Senate's bipartisan tradition of giving full and fair consideration to Supreme Court nominees. We have precedent for the Senate performing this role in the final year of a Presidency. Most recently,

the Senate confirmed Justice Kennedy, someone who is currently serving on the Supreme Court, a current member sitting on the Supreme Court, someone who makes decisions every day. When was he confirmed? He was confirmed in the last year of Ronald Reagan's Presidency. And guess what. The Senate was controlled by Democrats. So we had the exact opposite situation. Now we have a Democratic President and we have a Senate that is in the control of Republicans. Back then we had a Republican President and a Senate that was in the control of Democrats. People say: Well, what does history show us? What do we know? To me, that is the best example of history. And we know what happened: Justice Kennedy was confirmed, on Ronald Reagan's nomination, by a Democratic Senate in an election year unanimously—unanimously.

The Senate has taken such action more than a dozen times in our Nation's history, and there is no reason to abandon that precedent now. I am talking about when a Justice position opens up during an election year. We have that precedent, which I think is important. Again, I think the most important precedent, the most important example for historians, is what I led with: the fact that we have to go back to the Civil War to find a time when we left a vacancy on the Supreme Court open for a year. Think about that. Through World War I, through World War II, through huge tumult in this country, we always made sure we had a fully staffed Supreme Court.

It would be unprecedented to deny a Supreme Court nominee fair consideration in the U.S. Senate. In the last 100 years, the Senate has taken action on every Supreme Court nominee regardless of whether the nomination was made in a Presidential year. It is now February, which gives us plenty of time to consider and confirm a nominee. Let's go to that next.

People say: When will we have the time to get that done? I would submit that we do. We have hundreds of days before us. In fact, the Senate has taken an average of only 67 days. Let's make it easier: 2 months—about 2 months. That is the average since 1975 from the date of the nomination to the confirmation vote—2 months. That means that if the President offers a nomination, say, in the month of March—that sounds like a good month to have a nominee—that nominee would receive a vote in the Senate by Memorial Day. There are our 2 months. And if we even wanted to add a little time on, we would certainly do it by the Fourth of July, which is a very good holiday for those who believe in the Constitution and in the words of the Constitution.

Until we confirm a nominee, the Court is left with only eight Justices. A split decision will prevent the Supreme Court from making critical decisions and leave lower courts without a precedent to follow. A major responsibility of the Supreme Court is to re-

solve disagreements among lower courts. A failure of the President or the Senate to meet its constitutional obligations would cause the Supreme Court to be unable to fill its constitutional obligations.

These Supreme Court Justices aren't elected directly; they have lifetime appointments. Their job is to be insulated from elections and politics, and that is why we have these strict and straightforward words in the Constitution that say that the President shall nominate someone for the job, and they also say that the Senate will advise and consent. We have those words in place in the Constitution, in that incredibly important document that guides us in this Chamber every single day, just for a situation such as this one, just for situations such as these.

In closing, I remind my colleagues of the important work the people have sent us here to do. Yes, we have major disputes every day. That happens every day. We get into arguments about issues. There are political campaigns going on. But we have always at least followed the Constitution. That is what this is about today.

As soon as we have a nominee, as soon as the President exercises his constitutional duty and puts someone in place, we should follow the Constitution and our longstanding traditions and the history of this country and uphold that duty. We should diligently consider the President's nominee to be the next Supreme Court Justice. As members of the Judiciary Committee, we must have the confirmation hearing. We must do our jobs.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I am here to talk about Takata airbags, but I want to say to the Senator from Minnesota that she is so right on. The Constitution, article II, says that the President "shall nominate" and the Senate "shall confirm." It doesn't say "may" or "wish." It says "shall." It is a constitutional responsibility of our duties.

Just do your job, U.S. Senate. Just do the job, and we will see, once the President comes forward with a nominee. Let's see. Are we going to have committee hearings? Let's see if we are going to have open and bipartisan discussion on the merits of the nominee that is put forth. Let's see if the Constitution is trashed or whether the Constitution is upheld in the process put out to us in the third branch of government. I thank the Senator from Minnesota.

#### TAKATA AIRBAGS

Mr. President, I came here to speak about something else—something that looks very sinister. As a matter of fact, I ask unanimous consent to have two items to show to the Senate with regard to the Takata airbag crisis.

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

Mr. NELSON. It looks kind of sinister, unfortunately, because it is. It is supposed to save lives, not kill. This is an airbag. It obviously has already been inflated. It goes right in the steering wheel, so when you get in an accident, this inflates and fills up with gas within a split second, and that protects your head and your torso from coming forward and being injured.

What happens if this malfunctions, and what happens if the very manufacture of it causes it to malfunction under conditions? Let me show you what happens.

I said these things look pretty sinister. Indeed, this is pretty sinister because this is a fragment that was in the metal casing in one of these airbags in Florida that, when it malfunctioned, caused the explosive force of the ammonium nitrate gas. It was so explosive that it ripped apart the metal casing, and this part that I am showing came flying into the face of the driver, severely injuring the driver. In this case it hit the forehead.

I have told the Senate on many occasions that fragments of metal like this have come out just within the Orlando area of my State. They found a woman in the middle of an intersection where she had a collision, and when the police arrived, they found out that she was dead. She had bled to death. They looked at her neck and it was slashed. The police's immediate response was that this was a homicide. Upon reflection, she had a collision in the intersection that otherwise would have been a major fender bender, but because of a defective Takata airbag, it sent a piece of metal like this into her neck and cut her jugular vein.

Near Orlando, a firefighter—a big, strapping, 6-foot-4 hunk of a man—doesn't have an eye anymore because a piece of metal fragment like this one from a Takata airbag came out when there was nothing more than a fender bender. When this bag exploded, it sent out a piece of metal. In his case, that firefighter doesn't have the sight in one eye because this piece of metal fragment hit him.

Unfortunately, this has happened all over the country. Unfortunately, it has happened with a great deal of, shall we say, dragging of feet, coverup, and obfuscation. These airbags are supposed to save lives, but when they fail, they rupture violently and they send metal fragments right at the driver or the passenger.

These Takata airbags have such an explosive force. What is behind it? Well, our staff on the Commerce Committee has just produced a report which this Senator is releasing today. It is an update on this report which found, through a review of recently obtained internal documents in the Takata Corporation, that Takata employees routinely manipulated safety testing data. That would be bad enough, but let's see the consequence of this drip, drip, drip approach to now a substantial number of recalls. There

were a million vehicles recalled in 1 week, a million more the next, and there is no end in sight.

A few days ago, there was a Reuters report that said that in addition to the already 20-plus million recalls of Takata airbags, an additional 70 to 90 million Takata airbags may have to be recalled right here in the United States. Can you imagine what that is going to do to all these poor auto dealers? I mean, don't even speak about the person who is in the greatest jeopardy, the one who is behind the wheel of a car with an explosive grenade right in front of their face, and the grenade may go off. But can you imagine the poor auto dealers, the Toyotas, the Hondas?

Let me tell you about the last person killed. He was in a Ford F-150 pickup truck, and it was in South Carolina. By the time people got to the truck after the crash that would not have killed him, he was dead because of a fragment like this. I wish you could see this fragment. I wouldn't want that hitting me with an explosive force that inflates the airbag in less than 1 second. That is why the Commerce Committee has decided to jump all over this. We have been doing it for the last 2 years. We had a hearing on this 2 years ago.

On the current recall, I said it was in excess of 20 million. It is actually 29 million with these defective inflators. That is because nine people are dead and dozens are injured. We find out now that in all, there may be 120 million airbags that eventually in the United States alone will have to be recalled. If you want a shocking figure, there may be in excess of 260 million airbags recalled worldwide.

Knowing of all these problems, it is puzzling that the consent order that the National Highway Traffic Safety Administration signed with Takata allows the continued production of ammonium nitrate-based inflators indefinitely. Then they said that certain ones had to be phased out by 2018. Why isn't the NHTSA taking a more aggressive approach? What is going on after all of these inflators, based on what we see with ammonium nitrate, have exploded?

The essence of this and of the report we are releasing today as an addendum to the previous report is that the current recall may have to be redone. Why? Because auto manufacturers are installing new live grenades into people's cars as replacements for the old live grenades.

According to Reuters and the New York Times, there are also internal documents that show Takata officials were aware of these consistent problems at its manufacturing plants. These reports claim that officials knew of manufacturing issues that could lead to moisture contamination, contaminating the ammonium nitrate wafer inside of the airbag inflator. This just adds all the more to the finding of evidence.

Last June, the oversight and investigations staff of the Commerce Com-

mittee released a report on the Takata airbag fiasco showing that the company knew there were serious production and testing issues dating back more than one decade. That is why we wanted to release this report today. Through a thorough review of recently obtained internal documents at Takata, it was discovered that Takata employees continually manipulated the safety testing done. For example, in this report, in a 2005 memo to the Takata vice president, an engineer at Takata explained that "the integrity of the validation reports . . . is in serious question."

That engineer continued: "These are not trivial changes in that the data clearly in violation of the customer specs is altered to meet the customer specs." The engineer called that "a clear misrepresentation of the facts."

That is what the Takata engineer said to one of the Takata vice presidents back in 2005. That was 11 years ago.

In a 2006 email, a different engineering manager explained that testing reports were "cherry picked" and a Takata employee was "schmoozed" to accept deviations in the data.

So was he schmoozed or intimidated? Whatever it was, it was altering what was the truth. The manager concluded—this is the Takata manager in 2006, which was 10 years ago—that "the plant should have been screaming bloody murder long ago."

Well, if I were a lawyer making a case to a jury, I would rest my case right now. The fact is, we are not lawyers arguing to a jury. As Senators, we are here to try to protect the American people. And this data manipulation has continued. Even after the recalls had been announced and the rupturing inflators had caused deaths and injuries, the data manipulation continued.

I will give an example. A 2010 presentation explains that an experimental inflator was experiencing a significant safety and weld quality issue. According to that presentation, "[Takata Japan] was informed of these results, but altered them and reported good results to Honda." Furthermore, even when these issues were raised to senior Takata employees, no action was taken.

In a Takata director's notes from 2013, he explains that he shared his view that the range of a certain recall might be a "violation of our moral obligation to protect the public." Let me repeat that. A "violation of our moral obligation to protect the public"—that came from a Takata director. Wow.

The engineer raised these concerns with Takata's senior vice president of quality assurance, but the vice president failed to take action to address it.

These new documents that we note in this report from the committee speak for themselves. Takata failed to prioritize the safety of its products, and as a result, nine people are dead and dozens were injured. And even after exploding Takata airbags killed

these innocent people, company employees continued to manipulate safety testing data. This is not only inexcusable, it is reprehensible.

We have these thousands of automobile dealers around the country who have sold vehicles with the Takata airbags. They cannot sell a new vehicle if that vehicle is under recall because of a Takata airbag. Under law, they cannot sell that new vehicle. Also, rental car companies that have more than 15 cars cannot rent cars if they are under recall. But used car dealers can sell used cars that have a defective Takata airbags in them that is under recall—without fixing it.

I really feel for our automobile dealers. I really feel for our automobile dealers also because what in the world are they going to do with the customers now screaming "Replace this airbag" when, in fact, there are not enough replacement airbags? In fact, because the National Highway Transportation Safety Administration has allowed some of these replacements to go in with this ammonium nitrate, this is a horrendous situation.

So I come to the floor today—this has been going on for over 2 years. We brought this out in a hearing in the Senate Commerce, Science, and Transportation Committee. And today I urge Takata and NHTSA to do what should have been done long ago: Stop producing these ammonium nitrate airbags and get them out of people's vehicles. And by the way, give your automobile dealers some relief. And how about giving the American driving public, which is driving around with one of these things in their face, some consideration and put them first? Hopefully, we will see some more action on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes as in morning business.

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

#### GUANTANAMO DETAINEES

Mr. ROBERTS. Mr. President, I rise today to speak about President Obama's plan to move Guantanamo Bay terrorists to the United States. However, it is not much of a plan. With all due respect, it is more of a failed attempt to fulfill a campaign promise and, in my view, what he believes will secure his legacy.

Fortunately for us—those who believe that moving dangerous enemy combatants within our communities is dangerous, irresponsible, and an illogical idea—the President's plan contains nothing really substantive. In fact, it fails to recommend an alternative location to any current facility at all. As a matter of fact, I call that a win.

The plan does not provide any intelligence to substantiate the President's claims, nor does it even provide a chart or a graph to support the mathematics on the alleged cost savings, and there is no estimate regarding the cost to

local and State governments to support such a move. Indeed, the 9-page report is short in every regard.

The White House received the Department of Defense's results of their site surveys and other data regarding a potential closing last month. And this—I am holding up the report here—this is all we have in return: 9 pages.

I know the chairman of the Senate Armed Services Committee, my good friend and colleague, Senator JOHN MCCAIN, is not going to be pleased with the lack of substance or data or the articulation of a real plan. The same goes for Senator RICHARD BURR, chairman of the Intelligence Committee, who at this particular time is going to be introducing legislation of his own to provide intelligence with regard to the administration's lack of intelligence on moving detainees to the United States.

The lack of a plan and the inability of this administration to provide an alternative site indicate that none of the sites visited by DOD's survey team met the demands necessary to hold detainees and, more important, keep our community safe. The fact that no site was named and no substance on those visits was provided tells me there is no alternative to match what we are now doing safely and securely at Gitmo, period.

This so-called plan, as outlined by the President in his speech today from the White House, skims over four steps to closing Guantanamo Bay.

First, it articulates the administration's plan to continue moving detainees designated for transfer by the President's national security team to foreign countries.

In some instances, this may have been successful with regard to individuals being rehabilitated, but a third of the time, detainees transferred to third-party host countries have returned to the battlefield. And these are just the ones we know about. This is called recidivism, and the rates are too high for this process to be called "secure and responsible," as the administration has labeled it.

Second, the administration plans to continue its review of the threat posed by those detainees who are not currently eligible for transfer through the Periodic Review Board.

This is to provide a new review on the current population of detainees who have been deemed too dangerous to transfer—deemed too dangerous to transfer, and yet this President wants to give them a second shot at getting out. This doesn't make any sense. Terrorists are not criminals. As much as this President would like for you to believe they are, terrorists are not equal to the inmates we have across America's prison system. They are fixated on the destruction of America. They have no regard for life, not that of their own and especially not the lives of innocent civilians.

The report hones in on having a detainee population anywhere from 30 to 60. There seems to be an assumption on

the part of the President that the review board will determine that half of those deemed too dangerous for transfer or release are suddenly safe for transfer or release. Does the President believe this is possible or does this assumption simply serve his own means to create cost savings for his plan that can never be realized?

The plan also fails to account for the fact that our Nation is still mired in the War on Terrorism. We are still fighting in the Middle East and worldwide, including the United States of America, to ensure that terrorism does not prevail. What about the individuals we detain from this day forward? What about those individuals with critical information related to the next terrorist threat? How can we operate without a facility like Guantanamo Bay to hold terrorists we take off the battlefield?

Third, the plan attempts to identify individual dispositions, one by one, for those who remain designated for continued law of war detention, to include Article III, military commissions, or foreign prosecutions. What a muddle.

In his remarks today, President Obama advocated for trying terrorist suspects in Article III courts. The President named two American citizens—Faisal Shahzad and Dzhokhar Tsarnaev—to articulate his point. Both of those individuals, however, were apprehended in the United States, not on the battlefield.

The intent of the Guantanamo detention facility is to protect the American people by removing terrorists from the battlefield. As the United States faces a growing threat from terrorist organizations, such as ISIS, which have tens of thousands of members, bringing those terrorists to the United States to stand trial simply cannot be the answer. It is not safe for the American people and irresponsible to our national security.

Fourth, the plan states the administration's desire to "work with Congress to lift unnecessary prohibitions in current law." That is in quotes, "work with Congress."

Well, there is something that is unique with the President, "work with Congress to lift unnecessary prohibitions in current law." But it does not anywhere in its nine pages endorse a specific facility to house Guantanamo detainees; rather, the plan describes a prototype for a detention facility in the United States—not Kansas, not Colorado, not South Carolina, not anywhere in the United States.

The President's long-awaited plan is to work with Congress to identify the most appropriate location as soon as possible, according to the summary provided to my office by the Department of Defense. Question: How could it take 7 years to arrive at the idea to work with Congress? What a novel idea, but only for this express purpose. If the President had a suitable alternative, he would have provided it in this plan. If he had a suitable alter-

native, he would have provided it in 2009 when we stopped his plan the first time.

Further, the plan fails to substantiate President Obama's repeated claims that Guantanamo Bay serves as a recruiting tool for jihadists. Let me repeat this. The plan fails to substantiate President Obama's repeated claims that Guantanamo Bay serves as a recruiting tool for jihadists, a rallying point for terrorist attacks, hindering relations with allies, and draining Department of Defense resources. My goodness.

I wrote Defense Secretary Ash Carter in November to ask for intelligence reports or data to support many of these assertions. I asked Secretary Carter if an intelligence assessment has been done in conjunction with the site surveys recently conducted by the Department of Defense from the safety of our community's standpoint. I asked for the Department's rationale for evaluating Fort Leavenworth, when three previous evaluations have made it abundantly clear it is and continues to be an unacceptable alternative. I asked if there were intelligence products regarding previous site evaluations at Fort Leavenworth.

The administration has argued that Guantanamo is a recruiting tool for terrorists. So I logically asked for an intelligence assessment to support that argument. As a follow on, I asked what assessment had been done to reflect that Guantanamo has increased terrorist recruitment. And finally, was there any empirical data to support the administration's argument that national security threats will decrease if enemy combatants are held in the United States? Common sense will tell you that it would increase.

Two months later, the response confirmed my assumptions. The Department of Defense had no intelligence products—none. There were no intelligence products, no data to provide to support the President's argument that GTMO serves as a recruiting tool and that moving detainees to the mainland would increase security and decrease the terrorist threat to the United States.

My colleagues, this plan really confirms what many of us already know: There is no safe alternative to GTMO—not in Kansas, not in Colorado, not in South Carolina. Nowhere on the mainland is there a secure and responsible alternative. If there were, this President would not have failed to articulate it in his plan.

Mr. President, a plan that is a legacy speech does not safeguard the lives of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are postcloture on the nomination.

Mr. MANCHIN. I wish to speak on the nomination of the Food and Drug Administration, Dr. Robert Califf.



The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. MANCHIN. Mr. President, I believe the FDA needs new leadership, a new focus and a new culture, and Dr. Robert Califf's past involvement with the pharmaceutical industry reflects that he will not be this person. He will not have the impact or leadership capabilities the Nation needs to stem the tide of the opioid crisis we have all over this country, even in your great State of Oklahoma and my State of West Virginia, which has been ravaged by this. I would like to put this in context for a little bit. He has been there over a year—a good man. I am not speaking about his ability, his honesty, his integrity, his education, his background, and all the good work he has done. But he has been there for a year, and for the past 20 years Dr. Califf basically has come from the institutional research side, from education, and with that, his support has come from the pharmaceutical industries, those that are putting opioids on the market. I just feel it would be hard, human naturewise, for him to change and rule to keep these products from coming onto the market. So to put this in context, this is not personally about Dr. Califf. This is about the culture he comes from and the year he has been there as the No. 2 man and what has happened during that period of time.

Let me go over some things. Over the last decade, the FDA has approved new drugs at historically high rates. In 2008, companies filing applications to sell never-before-marketed drugs were denied 66 percent of the time. They were denied 66 percent of the time. Yet between the beginning of 2015 and August of 2015, the FDA rejected only 3 uses for new chemical entities and approved 25. That is an approval rate of 89 percent.

Now, tell me how in 7 short years that culture changed to where anything and everything coming at us was passed through, when we have already become the most addicted country on Earth. If one looks at new drugs and not the use of drugs, they have rejected only 1 and approved 23. That is a 96-percent approval rate in 2015. So of the new drugs that came to the market, only 1 was rejected—a 96-percent approval rate.

In 2008, the FDA's approval of new marketing claims for existing drugs was 56 percent. In the first 8 months of 2015, it was 88 percent. This includes approving OxyContin for children as young as 11. The FDA's 2013 approval of Zohydro drew widespread concern. All of us were outraged when we heard this new drug came on the market.

To put another time period in context, I had worked for 3 years to try to get all opioids from a schedule III to a schedule II so doctors could prescribe only for 30 days. You had to go back and see your doctor. Up until that time, Vicodin and Lortab—the two most widely prescribed opioids—were schedule III. That means you could get

a 90-day prescription and then call in to get it refilled. They were going out like M&Ms.

We were able to do that, and no sooner did we get that done—and it took 3 years, when it should have been 3 weeks. Within the same week that all opioids got to us from a schedule III to a schedule II, they approved a new drug called Zohydro, which was 10 times more powerful than Vicodin or Lortab—much more powerful. That approval was done against their advisory committee 11 to 2. That means 13 experts evaluated this drug and said: It is not needed, too powerful, don't do it. Guess what, they did it anyway.

Now they are saying that they are not going to pay attention to the advisory committee. Not only did they say they are not going to pay attention to the advisory committee, but we have had the decision on OxyContin being given to 11-year-old children; we have had the two new drugs that came out in 2014 after Zohydro and the pushback from Senators representing our respective States; they had a new drug called Targiniq, which is an extended-release OxyContin product, and Hysingla, which is an extended-release hydrocodone product.

So there were three new decisions made, with two new powerful opioids coming to the market and the decision that OxyContin would be given to 11-year-olds. That was done without any review from the advisory committee. They got so much pushback from Zohydro, they said: We are not going down this path again. We will just not have anybody review it. We will just go ahead and do it.

If you believe that is a culture that will protect the welfare and well-being of our citizens in our States all through this great country of ours, then I am sorry because I don't. I am sorry, but that is why I have been so passionate. I have more people dying of legal prescription drug abuse than anything else in the State of West Virginia. More people die. It is ravaging families.

I have personal letters I will read, and they will tear your heart out with what is happening and how this grips and tears people apart. It tears communities apart. Every law enforcement agency in America will tell you—no matter what town they are in, what county they are in, or what State they are in—that over 80 percent and upward of 95 percent of all crimes committed are drug related, are some sort of drug related.

There is not one of us right now in this beautiful Senate Chamber that doesn't know somebody in our immediate family or Senate family that hasn't been affected by drugs, either prescription legal drugs or illegal drugs. It is awful. It is an epidemic.

I believe the FDA must break its cozy relationship with the pharmaceutical industry and instead start a relationship with the millions of Americans. I have said that I am going to

fight against the FDA protecting a business plan and hopefully the culture will change, and they will start protecting America and the plan of families and citizens of this great country to have a healthy lifestyle.

It is because of this belief that I am urging my colleagues to vote against the confirmation of Dr. Robert Califf as the director of the Food and Drug Administration. He will still be there and still be a valuable person. He is just not that person with the passion to change the culture in this important agency. We have let this sleeping giant go for far too long.

My office has been absolutely flooded, Mr. President, with stories from West Virginians—but I have received them from all over the country—who want their voices to be heard. They say: Please use my name. I am not ashamed. We have been hiding too long. I have watched too many people's lives be destroyed. So today I will read letters not only from West Virginians but also people across this great country of ours that have been impacted by the opioid abuse epidemic.

I urge my colleagues to listen to these letters from their States and stories from my State about these drugs before confirming Dr. Califf, and in all good conscience make that decision tomorrow when we vote. Do you really believe he can bring the changes needed and not just say: Well, we have to have somebody there. He is already there. He will do a good job where he is; he is just not going to be able to kick them and shake them up and say we are not going down this path any more. There are some good people. We have made some recommendations of some good people who would bring the cultural changes that need to be brought.

I am going to read first about a young lady from Southern West Virginia. Her name is Chelsea. This is her story.

As a recovering addict, I have watched myself, my friends, and loved ones suffer from this horrible thing we call addiction. As I watch all these people now suffering, I know they had no idea what they were getting themselves into, and neither did I.

Whether it be for pain or just simply hanging with the wrong people like I did, we all have one thing in common, we chose to do drugs for the first time.

Someone made a decision to do drugs for the first time.

Growing up, I can honestly say I had what most people would call a normal childhood.

Chelsea comes from an upper socioeconomic family in Southern West Virginia. She continues:

I was raised by two hardworking parents who would and will still do anything for me. I was a gymnast and a cheerleader for most of my life and went to church every Wednesday and Sunday. My dad was even the Mayor of Madison at one point. But even being raised up in a good home did not stop me from doing drugs.

So this has no socioeconomic bearing. It does not. It is not a partisan issue. Whether you are a Democrat or

Republican, it makes no difference. Rich or poor makes no difference. Chelsea continues:

I can still remember the first time I heard about someone getting high. I was in the 6th grade and became friends with a girl whose parents got high themselves. We would walk about the playground and she would talk of these things called "drugs." As she talked day in and day out about how getting high made her feel, it made me start to wonder what this thing called "getting high" was really about.

Now, mind you, I am talking about a 12-year-old girl. She was just 12 years old.

I can remember thinking how cool I thought it was that her parents had done drugs with her and would party with her.

So another friend of hers, also 12 years old, had parents who were doing drugs with her and would party with her.

Chelsea continues:

One weekend I went to her house to stay the night and this was the first time I had gotten high. We smoked some pot, drank some alcohol, and I was turned on to my first pill around the age of 12. From this day forward, my life would forever be changed.

From the ages twelve to fifteen I partied some on the weekends and sometimes during the week, but as time went on my addiction and tolerance grew more and more. By this time, I was doing more pills because I had access to them. Between stealing Lortabs off my dad, to hanging with that girl so we could get high with her dad, to buying pills off the local drug dealer on the street, I had moved from doing them every now and then to every day.

I would stay a lot of weekends at this girl's house just to get high because my parents would never have done that nor did they know I was doing it. By sixteen my life took another turn. My grandmother, who I called Nana, had taken care of me most of my life while my mother worked. She was diagnosed with lung cancer two years prior. In the last days of her life, I would visit her in the hospital and she would tell me how proud she was of me and how I was her little model.

I had also met a very special guy by the name of J.R. a few months before this who I spent a lot of time with. On July 18, 2003, my Nana passed away. On the day of her wake, J.R. took me out to dinner, and on the way home he asked me to go meet his dad. I explained to him I could not and that my grandma's funeral was the next day.

He dropped me off that night, kissed me good-bye, and that was the last time I ever heard from J.R. Twenty minutes after he left me, he wrecked and died. I felt like my heart had been ripped out of my chest.

The day of his funeral is the next time I met the love of my life that would soon try to destroy my life. It was called OxyContin. I fell in love immediately with OxyContin. It took all of my cares and worries away, and from that moment on all I wanted to do was be numb.

As the years passed, my drug addiction grew worse. I was not only doing pain pills, I was now experimenting with all kinds of other things.

I can still remember my senior week in high school. While everyone was excited about going to the beach, I had to make sure I had enough drugs to go and not be sick. I took Roxy's and Oxy's, pretty much anything I could get my hands on, and eight balls of cocaine.

By this time in my life I didn't care about anything. It never once had crossed my mind

that if I got caught with all of that I could go to jail. I was just worried about my next high.

The following months were the same. I was doing anything I could to get my hands on drugs, from pain pills to cocaine to meth. I did not care as long as I was high. I was hanging around with people who were as sick as I was and places that I look back now that I would not even take my dog.

At 19 I met a guy who would fuel my drug addiction even more. He was 40 years old and dealt OxyContin. At this point I could not afford my habit, so I did what I had to do. I started seeing my drug dealer.

My life soon went from bad to worse. I had OxyContin 80s any time I wanted them, and at the time I thought life can't get any better than this. When you are doing eight to ten OxyContin 80s a day, you will do whatever it takes to get them.

At this point I was turned on to heroin. Heroin would have taken my life if it hadn't scared me so much. The high from heroin is so intense that anyone who had done it would have fallen in love. But, actually, it scared the life out of me.

As time passed and I wasn't getting high like I wanted to anymore from snorting OxyContin, I decided to start shooting up. That is one thing I never thought I would do is shoot up. I always told myself that people who shot up were the homeless people on the streets, complete and utter trash.

Now here I was sticking a needle in my arm to get what I wanted. And to be honest, I thought life was bad before. It just got a whole lot worse. The life I was and the life that I knew was gone, and OxyContin was completely ruling my life now.

OxyContin is a legal drug made by a legal pharmaceutical that knew exactly the effects this would have when they put this on the market over 20 years ago.

She said:

What stood before everyone was pure addiction.

I had started stealing off of everyone by now and didn't care who I hurt. People's priceless possessions that meant so much to them meant nothing to me. All I'd seen was my next fix. That's all I could see.

People were bringing me stolen stuff and I was taking it to the nearest pawn shop or my drug dealer. I had no shame. I had needle marks all up and down my arms, and I would lie to my family about how they got there. It was like I had no conscience, or, better yet, my addiction was my conscience.

Eventually I got caught stealing and was charged with 17 different felonies and one misdemeanor. This still did not slow me down even though I was looking at two to 20 years in prison. Nothing scared me more than being sick from the drugs.

On September 29, 2008, I was called in for a random drug test and failed because I had shot up OxyContin the day before. At the courthouse they handcuffed me and shackled me and sent me to Southwestern Regional Jail where I did a total of 10 days. As I sat there in that jail cell and cried, I thought a pill could not be worth two to 20 years of my life, and I hit my knees and prayed to God that if He brought me out of that jail cell, that I would never, ever, ever touch drugs again. The Lord answered my prayer and the judge gave me the choice to stay in jail or go to the Life Center of Galax, in Galax, Virginia.

I chose to go to rehab. I completed the 30-day program and came back and did Thomas Memorial's intense outpatient program for 6 more weeks. Once I got home I was sentenced to two to 20 years, but they suspended

my sentence. I went through drug court and completed it. I was the third person to ever graduate from the Lincoln County Drug Court.

I also had to do 14 more days in jail, 6 months of home confinement, and 4 years' probation. I can honestly say that going to jail and rehab saved my life. If I hadn't have been put in jail, I would probably be 6 feet in the ground just like a lot of my friends that I had to bury.

All of these things combined gave me something I hold very dear to my heart. My recovery. Recovery has not only given my life back. It has given me a chance to be a daughter, a sister, a wife, and hopefully a mother someday, a productive member of society, a good friend, but most of all, my recovery has given me a chance to be the voice of the sick and suffering addicts who lay in bed at night wondering if there is a way out.

I enjoy giving people hope and showing them that treatment does work. I am living proof that if you work the program of recovery, it will work for you. Since that day I had found myself sitting in that jail cell with no hope and my life completely consumed by my addiction, my life has changed for the better. I have graduated with an Associate's Degree in applied science from Southern West Virginia Community Technical College.

I went on to get my Bachelor's degree in the arts of psychology from West Virginia State University, and now I am currently working on my Masters of Social Work degree at Concord University, and I will graduate with that degree in May.

I have also been able to go to various schools, drug courts, and different places around the state to tell my story of addiction from where I was then to where I am now. I have also had the pleasure of working with a great group of people who are trying to get a sober living home open in Danville, West Virginia called the Hero House.

I can tell you, she is so passionate about getting this Hero House so she can help other people. Anybody listening who wants to help Chelsea in Danville, WV, with the Hero House, please do so or contact my office.

Now, with all this being said, I don't tell my story to get praise. I tell my story because there is a son, a daughter, a husband, a father, a wife, and many, many other people out there addicted to drugs and they do not see a light at the end of the tunnel.

When you are in active addiction, that light is so dim and a lot of times people think they are going to die from this horrible disease. But I am here to show people that you don't have to die. You don't have to let that horrible addiction win. You can step out and take your life back, because I am here to tell you that if you don't, if you don't, your addiction is going to take you to your grave.

Drugs do not discriminate. They know no good, no bad, no rich, no poor. There are so many people out there who suffer from this because there is little to no treatment.

By the grace of God I was sent to rehab and given a second chance. I still have the horrible reminders every day of the things I did to my family, to my body, and, most of all, to my self-esteem.

I have the track marks after being 7 years sober that constantly remind me of the life I once lived. I have a poor self-image because of the men I chose to give myself to just to get a pill, and the damage I did to my family because I had no cares in the world.

One day I hope there is enough treatment to help the addicts who want help. People need to be given a second chance and shown there is a better way of life than to do drugs.

I have another story called Tami's story, but I know Chelsea. I know this girl. She is impressive. She said: Please tell my story, I want people to know. No one could come from a finer family than I came from. No one can go lower than I have gone, and no one but by the grace of God could be saved like I was.

When we hear these stories—and all she is saying is there is no treatment. She was lucky. She found a treatment center. Somehow we have to come to grips with this. We have a tax on tobacco because we know it is harmful and we have to cure people of the disease. We have a tax on alcohol. We have no fee whatsoever on opiates—none—and it is destroying lives like nothing else that has ever happened in this country. We need to make people conscious of this, and we need to have an FDA that is compassionate, but not only that, is committed to the change that needs to be made in our culture.

I want to read Tami's story, from West Virginia. That is in the northern panhandle. Chelsea was way down in the southern part of our State of West Virginia.

We have 2 adult children suffering from substance use disorder.

Our son entered the military while in college. He was sent to Iraq right after 9/11, December 27, 2001. He experienced things that he never talked about, celebrated his 21st birthday there, and returned home. He was not a saint when he went to war. He had a juvenile past of drinking. Back then we thought he was a typical teenager acting out. When he returned, he suffered PTSD, as many do, and went to the VA hospital for treatment. He was put on cocktail after cocktail of medications.

We all know this. We all know that basically these brave men and women who are willing to risk their lives and sacrifice their lives for us—in order to treat their pain, we think, just give them a prescription, and they are able to get anything and everything. That is what they are talking about when he was put on cocktail after cocktail of medications—was this his starting point of the spiral into addiction?

I believe his addiction to opioids, benzoids, and amphetamines started then. I know that he spiraled from that point on. He lost his marriage, he didn't see his son, he bounced from drugs to drugs to drugs. He obtained several DUIs, and time after time he walked away, no offer of help, no sentencing. He bounced, married again. She was addicted to heroin. He bounced again, was in and out of our house. Unfortunately, we always gave him a safe place to land.

She said: "Unfortunately,"—not fortunately but unfortunately—"we always gave him a safe place to land."

The last time I saw him is when I called the police on him. I discovered that him and his girlfriend, with two small children, who had been living in our house for four months were using and selling drugs. I found out he was recently incarcerated for drug traffic and sent to a correctional rehabilitation facility.

Our daughter was an athlete all through school. She received injury after injury, and at 18 started seeing specialists for back pain. That was in 2004. They prescribed opiates. I never saw the addiction coming. She lost her

best friend since first grade that year to a drunk driving accident. She went to counseling. More prescriptions.

She appeared fine, gave birth to a beautiful baby boy, and then because of back pain more pain prescriptions were given. I realized she had a problem when she was pregnant with her second child and was stepped down to Vicodin while pregnant.

Vicodin while pregnant.

After his birth, we started her first rehab experience. She returned to the father of her children sober. She relapsed and began snorting heroin.

At this time she was living in Ohio and we were unaware of her relapse. We found out when her mother-in-law went to court and took her children. That was one of the worst days of all of our lives. We immediately picked her up, brought her back to West Virginia, and into treatment.

Fast forward. Thousands of dollars later on attorneys, doctors, rehab, she returns to Ohio to try to obtain her children. Relapsed. She began shooting heroin and then arrested. We let her sit in jail and picked her up on her release. Charges were dismissed. Back to West Virginia she comes, hospitalized for a week and rehab again.

She has now been in recovery for 13 months. She fell in love with a nice, drug-free man, moved to Ohio to try to obtain custody of her children back, and is six months pregnant. One thing I can say is my daughter was always a good mother. Even while on active addiction, she worked and took care of them.

As you can tell, both of our children became addicted to prescription drugs first. . .

And they tell me this is exactly how it starts. It starts at a very young age. Recreational marijuana, prescription drugs out of your parents' medicine cabinet, taking it to school, being the cool kid in school, sharing those drugs, then you begin using them, then you sell them. This is how it starts, and it leads to obtaining street drugs to feed their addiction. So it goes from occasional to recreational to addiction to feeding that addiction.

This is a condensed version of course. As with any family dealing with addiction, it does not show the tears, the hurt, the financial breakdown put on the family; (we are broke).

Literally and figuratively. She says: I want to thank you for listening.

Doctors keep prescribing pills, and they will tell you that they have had very little training in this area. As they go through all of their medical schools and advanced training, they get very little training on the effects these drugs have on human beings and the addiction.

We took 1 billion pills off the market when we went from 90 days to 30 days of Vicodin and Lortab. We took that many pills off the market. That means 30 days.

I have people in my office or in their families—and I know the Presiding Officer does as well—who will go to the doctor for something where they may need pain relief for 1 or 2 days. Do you know what they get? They automatically get enough pills for 30 days. That is the path of least resistance. It is legal, they can do it, and the doctor will write a 30-day prescription.

We are working on a bill that will be coming to the floor. We need to make

a lot of changes to that bill, but most importantly, we need to make sure we have an agency in the Federal Government of the United States of America that is fighting to protect every American. And it is not a business plan that we have to adhere to, not at all. These are good companies. They are legal pharmaceutical companies. They do an awful lot of good. I challenge every one of them that is listening to what we are talking about right now to give us pain relief without addiction to opioids. Do something. Break through the chemistry or something. It has to be there. We have been able to solve every other epidemic. We have been able to cure epidemics and pandemics, and now we have one that has been ravaging our country for almost 30 years.

I have Samantha's story. She says:

Hello. My name is Samantha Holbrooke.

She wants you to know her name.

I am from Fayette County, WV. I am a 28-year-old female. I have been an addict for the past 6 years. This letter is to explain to you how addiction has affected my life. It is also to express my view on drugs and what it is doing to our society.

I first started drugs when I was 13 years old. I was a recreational marijuana user. My mother was an alcoholic and a drug addict. My father was not in the home or involved in my life.

Unfortunately, that is true for many people around this country.

My mother would allow me to drink with her and go to bars. I was often her designated driver, but I was only 13 years old. I got in my first and only bar fight at 13. It was with a 24-year-old woman. She thought I was coming on to her boyfriend. In reality, we were smoking weed, not trying to hook up.

When I was 19, my oldest sister and mother introduced me to hydrocodone, Ritalin, Xanax, and Percocet. My sister and mother had no income; I did. By getting me on pills, they were able to get free pills by charging me to get them for them. By the time I was 22, I think I was snorting Oxycodone.

Oxycodone is made in a single source, which is a powder form that is compressed. They would break it down, crush it, and snort it to get the quicker high.

That became my drug of choice. I eventually got in with a doctor who was pretty much a pill mill.

We know we have them all over this country.

He wrote me a prescription for Xanax and Oxycodone. I got even more strung out on those two.

As a result of using drugs, I now have memory problems, concentration problems, and the list goes on and on. I lost about 30 pounds. I lost my job. I lost my home. I lost my child. I lost my fiancé to suicide. He was drunk when he shot himself in the head. I believe that had he not been drinking, he wouldn't have taken his own life.

As a result of these life-changing events, I became severely depressed. I then took the wrong road and began to use drugs intravenously. I started lying and stealing. This led me to gain two felony charges and several other misdemeanors. I went to jail and prison and spent 2½ years locked up. I am now on DRC because I am on parole and had a relapse, which led to several bad decisions, and now I am paying the consequences.

I am now in recovery. I am a recovering addict. I joined Narcotics Anonymous and

Alcoholics Anonymous. The classes and programming in prison helped me to think better. I now analyze a situation before making a decision.

This is my story. Prescription drugs and all drugs have ruined a large percentage of the citizens of West Virginia's lives. I am now in full control of my life again, thank the Lord.

This story is anonymous, but they wanted to share it with us.

I grew up in a nice home. My grandfather was a pastor. My dad grew up in church. My family went to church every Sunday. We had a nice house. We had nice cars. My mom didn't have to work, and my dad took very good care of us.

My dad had surgery, a common surgery to remove several large veins in his legs. This is where his addiction began. This is where he found his unlimited supply of numbness.

I was in middle school, and this is when I remember things being different. Things were changing. My dad stayed out with his friends a lot. He wasn't home for dinner anymore. When he was home, he was lying down sleepy and always said silly things. I would stay up late at night until he would get home, only to hear my mom and dad fighting, screaming, and my mom crying. Eventually I hated to hear the garage door open because I didn't want him to come home. Before my dad would take me to school, standing in his business suit with his briefcase, he would scarf down pills out of a little orange bottle. He would tip it back like he was eating a box of Nerds. I didn't know any better. My naive, my innocent mind didn't know what was happening. I couldn't comprehend that a doctor could be his drug dealer!

They couldn't comprehend that because we have been taught to trust doctors.

Things got worse. I started finding bottles of liquor and cans of beer hidden, and I passed it off. The 3 empty beers in the back of his company car: Oh, they must be his "friends". No one in our family drinks, definitely not my dad.

I remember whole vacations, weekend trips, and afternoons ruined by his addiction. Mad fits of rage until one day my mom stood up and couldn't take it anymore. My dad got the help he needed, but how did he get the help? In hiding, in private—a local rehab facility. He was on a business trip. Our culture has stigmatized a group of people—a group of people who transcend race, status, gender—at the expense of their lives.

This is a hidden killer. Drug abuse and drug addiction are hidden killers. So many of us have people in our families or close friends who don't want to talk about it. They are ashamed, and so it gets covered up and hidden away. As a result, we don't bring people out, let them know the effects, and cure them.

She says:

My dad was hurting. No, not from the wounds on his legs when he had his surgery but from depression and bipolar disorder. These are the roots of his addiction. They go hand in hand. When will we see this? When will we stop seeing addicts as a problem and see them as human beings and hurting?

For the last 20 to 30 years, I have been in public life, and the Presiding Officer has been in public life a good bit. I always thought that anybody who

fools with drugs is a criminal and should be put in jail. We have done that, and it hasn't solved a thing. It has gotten a lot worse. We have to rethink this issue. This is not a crime. Addiction is basically an illness. It needs to have a cure, and treatment is that cure. We have to face that. Senate Republicans and Democrats are looking at how to fix the sentencing guidelines, and I think it is encouraging and healthy for us to have these discussions.

She says:

Is it a selfish sickness? Of course it is. But how can we help them see the light when we push them aside? Because "they asked for it?" Just like a lady with skin cancer "asked for it" because she laid in a tanning bed? What if we treated addicts with the same compassion that we treat cancer patients?

My father has been clean for almost a decade, and the demons of his addiction still haunt us all. No, we weren't homeless, nor did we have to face a death to be completely broken by this horrible epidemic, but I had a zombie for a father for my adolescence. I missed my childhood, years that we can never get back, memories that will never be erased, all because of a little orange pill bottle chased and hidden with a brown paper bag.

Luckily, my story ends with a happy ending. I still have my dad. My story hasn't ended up the way so many do every day, like my two friends who didn't get help in time and passed away.

I have stories from all over the country, and they are pathetic. I have a couple more I can read from West Virginia. I will go to different States.

This is Erica's story. She says:

Hello, My name is Erica and I am an addict. And I say that with great pride as I celebrated 10 years of recovery in November of 2015.

I began using drugs here in West Virginia at the ripe age of 13.

Thirteen seems to be that magic—adolescence. We are coming into adolescence. We are willing to experiment. We think we are invincible. We think nothing can harm us.

Prescription drugs were easily accessible at that age and opened the door to 11 years of anguish, desperation, jails, and dirty needles. I came from a stable, drug- and alcohol-free home, but I was able to gain access to prescription drugs from my peers and my local middle school and high school on a daily basis.

As my disease progressed, I dropped out of high school my freshman year and continued to put myself and family through years of pain and suffering. I attempted drug replacement therapy to control my opioid addiction, but that was only a temporary solution, and I eventually returned to drugs.

Finally, I found myself in the court system and facing felony drug charges. It was then that I was able to find freedom through a 12-step fellowship.

Today I can say I am a cum laude graduate of Marshall University, fully employed, homeowner, wife, and the mother of two wonderful West Virginia boys.

I pray my children don't follow the path that, not only myself, but many of my West Virginians fall into. The disease of addiction is progressive and fatal if not treated or prevented.

Here in West Virginia, we are leading the Nation in drug overdoses. And

where I live in Cabell County, we have had over 900 overdoses in just the year of 2015.

As a mother, I must trust our leaders to make responsible choices to help us seek solutions, gain back our communities, and save our children from following the same deadly path.

I know the FDA was so proud that they came out with some new guidelines, and they said now they are going to start paying attention to the advisory committees. They didn't say they would adhere to their recommendations; they would just start paying attention to them. Also, the CDC—the Centers for Disease Control—put out some guidelines of how we should be prescribing, the knowledge we should have, how we should be administering, and what we should be doing to curb this drug abuse. And guess which agency fought against that and put it on delay? The FDA.

The only thing I ask all of my colleagues to do is to please consider—just send a message with the vote you make tomorrow. It is not about the doctor at all. It is not about the person before us. It is about getting an advocate who will make a real change and make sure we fight this war.

This story is another anonymous story:

My brother is in his early 20s and was hired at the local plant that employs the majority of the county. He was injured on the job, saw his doctor, and was prescribed Lortab long term.

Lortab, as I said before, is a schedule III, 90 days. You can keep calling it in, calling it in, and calling it in.

As the effects from this started to wane, he was prescribed Xanax, Klonopin, and a variety of other prescription medicines. He then lost his good-paying job but found other work at a lower pay after almost a year of unemployment.

This prescription med addiction continued for years, and once laws finally cracked down on prescribing narcotics, it left him unable to get all the medicines he had previously been prescribed. Once it became too expensive to buy them on the street, he turned to heroin.

My fun-loving brother who was always at family functions, loved to be around his nieces and nephews, totally disappeared. I suspected that something more serious was going on, but he wouldn't answer calls or texts.

In August, I hadn't seen him in several months. We have always been close. This was very unusual. I sent him a novel of a text since he wouldn't take my phone calls confronting him over the rumors that I had heard of his heroin use. He denied it.

A few short weeks later, I got a call from my mother that he was transported to the hospital by ambulance but discharged a few hours later for chest pain. He later told us he had gotten a bad batch of heroin and was certain he was dying.

He told the EMS he had used that morning, as well as hospital staff. I still to this day don't understand how someone can come in suffering from an overdose and be discharged a few hours later.

People don't have knowledge. They are not being trained in this horrible epidemic that we have in this country.

NOTHING was mentioned to him about treatment or rehab and he was treated as a

lesser person. I was worried before, but after this was in a constant state of fear that I would get a call that my 31-year-old brother was dead.

In October, he called me to tell me yes he was a heroin addict, but a new treatment center had opened near his home and he wanted to get clean. He asked if I would go with him, and I said of course yes.

His insurance wouldn't cover a dime of this treatment. It would be all out of his pocket at \$100 a day plus the cost of meds. For someone working at a \$30,000 or less a year job, paying for housing, utilities, food, (he never did receive public assistance)—

He was too proud for that—

this cost was more than he could do.

Again I told him I would be there and pay for whatever he couldn't. I convinced him he needed more of a support system than just me and he finally told our parents. We were we were raised in church and came from a large religious family. He was so ashamed of what he had become he didn't want the family to know and the majority of them still don't know to this day.

I am hoping, as this letter was written anonymously, eventually he will share this with the family, maybe preventing other members from going down this road.

He will tell them when he is ready. My mom and I went with him to his first appointment at the suboxone clinic, and one of us has been at every appointment since. It is wonderful—he has a session with a psychiatrist at every visit.

It's more than prescribing meds. They are doing the counseling to make sure their patients get clean. I am proud to say that after only four months, not only is he clean but he has weaned off the suboxone.

He still goes for counseling and has the nurse's cell that he can call 24 hours a day if he's having a hard day. In the future he wants to tell his story and help others facing the same crisis.

Madam President, I have been reading stories of people addicted all over the State of West Virginia. I have stories from your State also, Madam President. I would like to read that for you.

This is in New Hampshire—Sandown, NH. This is Kathleen's story. I am sure she has sent you the same copy she sent me. She wants her name to be known.

My name is Kathleen Stephens. I am a 56 year old RN, BSN, from Sandown, NH. I am currently the Director of Clinical Service at a nationwide hospice company. My story is much like thousands of others out there, pretty average, fairly normal. I have two children; a 33-year-old son who graduated with a degree in Mathematics from Boston University and a 31-year-old daughter who graduated with a psychology degree from Assumption College. I myself have a Bachelor of Science and Nursing degree and my children's father a Bachelor's degree in business from Wharton School of Business in PA. I give you this detailed background for to you see that we are a well educated and successful family. We are a white, mid to upper middle class who have always lived in a beautiful neighborhood surrounded by loving families whose children played outside, joined pee-wee soccer, little league, softball, basketball and girl scouts to name but a few. We were the home in the neighborhood where all the children loved to play. We took our children to drive in movies, camping, the beach, museums and always visited their

grandparents. We were normal, that's all, or what we perceived was normal.

When speaking with our children now, they both recount wonderful childhoods and deem themselves "lucky." Our house was filled with love. I hugged my kids all the time, never hesitated to demonstrate to or tell them how much I loved them. They had grandparents who were always around, who also demonstrated love for them. About 5 years ago, my daughter, and her boyfriend, an Intern at Tufts Medical School decided, after being together for 2 years that they would move to Sacramento. I was devastated inside but encouraged my daughter to follow her heart. Over the subsequent years, our communications went from daily to weekly to scattered. Each conversation seemed more distant than the last. We saw her an average of twice a year; most significantly, when we paid her expenses to come home for Christmas. Her boyfriend never came; he distanced himself from us almost immediately.

I'm sure at this point you know the story. About 18 months ago I finally confronted my daughter asking what was wrong, seeing her go from a loving daughter to a distant person I no longer knew. Over the previous few years, she turned into a virtual stranger. I told her I loved her no matter what and that I would be there for her. At that time she denied any issue. A few weeks later she was in the hospital and called me. Apparently, she had hit bottom. She confided that she was a heroin addict. I was more than shocked. She had been in a substance free dorm in college, hated drinking, drugs and was pretty straight laced overall. I kept myself in check saying that no matter what I would support her, asked her to come home so we could help her. She confided that it started with a prescription for opioids that her boyfriend had shared with her. He was given one for back pain years before, got hooked and decided she might just like it.

So, amazingly she did come home, but she went back a few months later. She then returned to get clean again and went back a few months later. She overdosed multiple times, of which I knew nothing until recently. Her boyfriend gave her IV heroin while she was in the hospital being treated for pneumonia to keep her habit going. He was the one, I found out later, that he shot her up because she hated doing it. He had developed a hold on her that was a bond of heroin high. I knew the drug had gotten her when, due to the stress of everything happening, I ended up in the hospital ruling out a heart attack. She drove me there, dropped me off and went to get high (I found out later). I ended up being fine, stress of course, and she ended up going back home yet again. She stayed clean after going into a rehab, which kicked her out after 8 days because her insurance was declined. She then attended NA—

Narcotics Anonymous—

meetings almost daily and got a job that she loved. In the meantime, her boyfriend was found out through a "random" drug test and suspended. She was clean for 4 months, the happiest four months of my life. We spoke every few days, or texted. Her voice was truly hers again . . . her laughter, her expressions, her humor. I felt she was finally back with us. She had left her boyfriend and went into a sober living home. Life was good and I was so grateful to have my daughter, my best friend, back.

About 3 months into her sobriety she decided to reach out and try to get her boyfriend sober as well, the beginning of the end. At exactly month 4 she went to his house and he had a "surprise" for her. She was new in her sobriety, just once she said, and she fell back down the rabbit hole. I

knew when she didn't return my calls or texts that it was bad. But finally she responded; she was back into it again, but she'd get out she promised.

The next 8 months were a few weeks clean then back into drugs again. I did not send her money. Honestly, she never asked. She knew I'd never support her habit. Around Thanksgiving 2015 she had had it. She called me and said she wanted to get back into rehab and leave her boyfriend permanently. Her life was no longer worth living. Weeks of trying to get her into rehab went unsuccessfully when we finally found Clean and Sober in Sacramento. At that point she was clean two weeks, had slowly packed up or sold her belongings and was ready for the break. But she had to sneak out to get away from her very controlling, manipulative partner; and she did.

The happy part: She is today 60 days sober. She has a new job (She had been fired from the other one), which she loves. She blocked her boyfriend from her phone, her email and her facebook. She is the daughter, once again, that I know and love, but I love her regardless of the disease of addiction. Love the addict, hate the disease. And for right now I thank God, pray alot, and take it one day at a time.

I have another one here I want to share with you. The thing I wanted to share, Madam President, is this: My State and your State have probably been hit as hard as any two States in the country. We have people coming to us all the time. We are fighting every way we can. We are introducing pieces of legislation. We are not worrying about who is Republican or Democrat. How can we help Americans—the beautiful people in New Hampshire, the wonderful people in West Virginia, who are facing more deaths, more disease, more destruction to the family?

I want to share with you that when I first got elected—Senator Byrd had died in 2010. I was Governor of the State of West Virginia. I had to make a decision. I thought maybe I could come to Washington and help with the experiences I had and what I had seen in my State and times. We had challenges.

After I was elected to the Senate, I had gone back to Oceana, WV. At that time it had been called "Oxyana" because drug use was so rampant in this beautiful town. I remembered this town because when I was a freshman in college, my roommate was from this town. It was the most beautiful town I had been in. They had everything. What a privilege it would have been to grow up in this beautiful town, but I could see many years later it was not the town I knew or remembered in my mind. I went to the middle school. These were all children in fifth to eighth grade. I tried to give pep talks. I wanted to get them involved and tell them how good they could be, how much we are counting on them, what they need to get a good education and contribute something back to society, and how fortunate and lucky they are to be in this little town.

After I finished speaking—they were attentive and cooperative—there was a group of them. They asked: Can we talk to you privately? I will never forget this. These were 12- and 13-year-old

boys and girls. There had to be six or seven of them. I went in the back room and sat at a table. They started talking and telling me their stories. These were stories they had watched and were telling me. This was the first time I had ever heard from a child up close and personal who said: My dad worked at the mines. He had a back problem. He got hurt. They kept giving him pills. We lost our house. Mom and dad were fighting. They got divorced. We lost everything. I've got nothing now. My grandparents were watching me while I was trying to take care of us. My dad is an addict.

I heard these stories from these five kids. They were all pleading.

Now fast forward to the year 2015. I go back to the same school. These kids that were 12 years old are now seniors in high school. The same group wants to talk to me. They had lived a clean life, but I think about what they have gone through and what they have seen. Then I sit down with another group of 12- and 13-year-olds from the same area. They are telling me stories about how they are watching their lives before them when they watch a boyfriend or a stepfather because the family had broken apart, the mother remarried or whatever, and the person that she is with is a drug addict. This little child watches her mother get shot up and killed because of the drugs the boyfriend shoots into the mother. Can you imagine a 12- or 13-year-old having to live with this and see this happen in their home?

What we are asking is simply for the Food and Drug Administration to change, to be the watchdog to help us. They are supposed to protect us. They don't say: I did my job. The pharmaceutical company told me they made this drug, and this is the way it was made. This is what it was supposed to do. We checked it out. Everything is fine; leave it on the market.

You are not looking at the welfare of the people. You know what it does. You know it is addictive. We have no treatment centers. We are doing nothing to treat this. We are not challenging these pharmaceutical companies who are good companies. They do a lot of good and put a lot of products out there that are very good, but they are bringing these opiates on the market quicker than ever before, more powerful than ever before, and they know what is going to happen.

I am challenging all of them. I think the FDA should challenge them. We are not going to approve more opiates. We are not going to let you bring on the market stronger opiates that we know are addictive and will ruin people's lives. If they will do that and challenge these companies to come out with new research and development that can scientifically give us relief needed for people who have chronic pain without making them addicts who lose their lives—we should be able to do that in this great country. I am going to read you a story from Kentucky, my next

door neighbor, the majority leader's home—Kentucky and West Virginia. This is Emily from Louisville, KY.

My name is Emily Walden. I am a mother who lost my 21-year-old son to a drug overdose in 2012. My son TJ came from a good family, was a member of the Kentucky National Guard and the most respectful young man you could have ever met. TJ made an initial poor decision that led to an addiction to the drug Opana; he had unlimited access to this drug during that time. TJ did not want to die from this. He tried very hard to overcome his addiction and I tried very hard to save his life. I started researching the drug Opana about five years ago and would like to share with you what I have learned that illustrates the need for changes to our FDA policies and approval processes for all opioid drugs.

The drug Opana contains the opioid Oxycodone which was removed from the market in 1979 due to the overdose deaths and addiction this drug was causing across our country.

In 2002, the FDA started holding IMMPACT meetings every year allowing pharmaceutical companies to pay money to be included in discussions and changes to clinical trials, design.

We call that pay to play—the impact it has because they are able to go to these types of settings and get absolute front row seats with the people they are trying to persuade to take another look at these drugs that might have been taken off the market because they were deemed too dangerous. This is allowed to go on. It has been going on for far too long, and the FDA is part of it. This is part of the change that needs to be made and made immediately.

Endo Pharmaceuticals, the manufacturer of Opana, attended each one of these “pay-to-play” meetings.

In 2003, Endo Pharmaceuticals brought the drug Opana to the FDA for approval and was denied due to the overdoses that occurred during the clinical trials.

In 2006, Endo Pharmaceuticals again brought the drug Opana to the FDA for approval but this time using new clinical trial that applied a modified process, called “Enriched Enrollment,” which removed patients with preexisting opiate sensitivities from the trial. The Enriched Enrollment process skews results and seriously underestimates risks associated with the proposed drug involved in the clinical trial. In addition, the FDA ignored their own review guidance by bypassing their advisory committee and approved Opana for moderate to severe pain.

At the time Opana was approved, our country was already experiencing an explosion of overdose deaths and addiction from the overprescribing and misrepresentation of the safety of opiates. In addition to causing thousands of deaths and addiction, the approved use of Opana has now been directly implicated in an outbreak of Hepatitis C and HIV cases in the State of Indiana.

The FDA has continued to use Enriched Enrollment—

Or pay to play—

to approve new opiates and override or bypass altogether their advisory committee for new opiate approvals and for new uses of opiates further contributing to the overdose deaths and addiction. These process changes must stop.

The year after my son died I traveled to Washington DC for the first time in my life and was very fortunate to be able to meet with the then Senate Minority Leader—

Now Senate majority leader—

Senator McConnell, the next year I had nine meetings which included a meeting with

then acting Director Botticelli of ONDCP, DEA Administrator Michelle Leonhart and seven meetings with Senator's staff. In 2015 I had thirteen meetings scheduled. I am not going away! We need change to curb this horrible epidemic that started with prescribed opiates and the mistakes that were made need to be corrected.

How many people have to die? How many more people have to become addicted? The FDA is sending the wrong message to physicians by continuing to approve opioids during the worst drug epidemic our country has ever faced.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator's postcloture time has expired.

Mr. MANCHIN. I ask unanimous consent to continue.

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

Mr. MANCHIN. Thank you, Madam President.

The FDA is supposed to be protecting public health and yet over 200,000 people have died and they have failed to put appropriate restrictions on these dangerous drugs to prevent overdose deaths. I want to know why there is one death from something such as *E. coli* and every head of lettuce is pulled from the shelves in ten different states but opioids have killed thousands of people and they are considered safe and effective? How can that be?

When is the FDA going to put human life before the paychecks of Big Pharma? What will it take? A million deaths? We need an FDA commissioner that will protect the citizens of this country that is willing to take the overall best interest of public safety into consideration and not allow the pharmaceutical companies to have him in their back pockets. My son TJ had a lifelong dream of joining the military and fighting for his country. He would have given his life to protect and serve. He was one of the most patriotic young men and his country failed him. Please do the right thing. Please do not let one more mother get a knock on her door saying their child is gone and that they will never [ever] come home [again]. There is no greater pain than burying your child! My son, my precious child with the most beautiful blue eyes, caring and loving heart, died in part by the greed of big Pharma and—

Most importantly—the carelessness of the FDA. It is time for change!

Another story from Kentucky. This is in Northern Kentucky and this is Kimberly's story.

My name is Kimberly Wright. I am a [mother from Northern Kentucky] who works in the trenches to save the lives of people in my Community. NKY was hit by a pill epidemic around 2000. That pill Epidemic has now turned into a Heroin Epidemic. Since 2013 the death toll continues to climb. In 2015 we have had 1,168 overdose reverses. We still await the number of deaths. Our entire system is on the verge of collapse—our Courts, Police, Children's Services, Jails. Our jails currently have 99% Heroin and Pill cases housed in the jails. Our Treatment system is seriously strained with not 1 new bed added in the last 10 years since this epidemic started. We are in a War in [Northern Kentucky]. Every day we wait to see how many died that day. We have people getting in their cars driving high on pills and Heroin wrecking into innocent people and killing them. This is the United States of America and this is a shame. We allow the FDA and Big Pharma to profit off the deaths of an entire generation of young people. We are in effect losing 2 jumbo jets full of kids every day



in America due to Pills and Heroin. We need help. We are begging for help to stop this madness. Our American families are losing our children at an alarming rate to overprescribing Drs and Big Pharma. We beg you, please help us stop this.

I lost my sister Alicia Cook on October 26, 2010, to an overdose. Alicia was a nurse with 2 young daughters. This Epidemic has no boundaries and it's in every community in the Country. Northern Kentucky has the highest rates of HEPC, surpassing the National Level, due to heroin and pills being injected. We have a high rate of homeless children due to their parents being dead or drug addicted with no end in sight. We have 52% of grandparents raising their grandchildren due to death and addiction. This is a nightmare for parents. When our children were born we could have never imagined this would be our life. You don't sleep at night from the anxiety of wondering if you are the next parent to get that call that your child has overdosed. It's like being in a constant panic attack. It's not normal to grieve the loss of a child who is alive, for they are truly lost. I [know lots of] parents who have lost their child and I can't imagine their pain and grief. I grieve for my addicted 26-year-old daughter who is in the fight of her life [because of] her Addiction. I watch her destroying herself every day. I don't want to join the mothers who have lost their child to this Epidemic. I know how I suffer now and I just can't go there. I will continue to fight for my community. Will you [please] join me?

That is Arlene's story.

Indiana is one of the States that has been hit so hard also. This is Danielle's story from Southern Indiana.

My name is Danielle McCowan. I live in southern Indiana and work as a server. About 2 and a half years ago a customer by the name of Josh Harvey left me his number. At the time he told me he was living in Chicago for school. Little did I know he was in rehab there. Granted, I didn't know about his addiction for over a year because we hadn't stayed in constant contact. Over a year or so ago I found out about his heroin addiction. He still told me little about it. I do know it started out with prescription pills and later went to heroin when the pills became harder to get. He served a month in jail in Michigan for the entire month of this past July over a heroin related charge. He came home immediately after and overdosed that same weekend. Luckily, his dad saved him that time. Now he got enrolled in college and was going to an outpatient program doing better. Or so we all thought. School let out for break and I guess it all went downhill. He came to me on November the 4th telling me he had used a couple of times and wanted my advice. I suggested an in-patient program. He went to Wellstone after he left my house. He sat for several hours and finally was given a room. I went and checked on him 2 different times while he waited to make sure he was there. Thursday I didn't receive any calls. Friday nothing either. Then Saturday morning, the 7th of November, his mother called me to break my heart. He had passed away that Friday, the 6th, over in Louisville and didn't know who to contact until that Saturday morning, I guess. He had checked himself out of Wellstone, broke into his house, took his Xbox which he later either pawned or traded for heroin. Never in a million years did I think I'd become close to anybody addicted to heroin. It doesn't discriminate. It can get ahold of any and everybody. Never in my life have I been so depressed or heartbroken. All I want is his story shared. He was my happy ending gone away too soon.

They continue. They continue on, these stories, the heartaches and the

lives destroyed, lives changed. Few too many lives are saved.

Massachusetts. As the Presiding Officer knows, Senator MARKEY has been working with me very closely and all of us on this horrible epidemic that we have. This is Sara's story. She is from Amherst, MA.

My nuclear family is middle class or the working poor, but it is blended in that I was raised by my mother and step-dad, but my bio father's side of the family would be considered well-off. Heroin first came to my radar after my brother Donny became addicted to pain pills after surgery, and heroin followed suit after RX's stopped. Then it seemed like it was everywhere around me: my nephew, my niece. Then we lost my cousin Cory, who passed in a sober house for his addiction to alcohol, along with a needle and an empty bag next to him. Cory is an example of a young man institutionalized by multiple incarcerations and just when he would try to lift himself up, in he would go again. He was trying to get clean for his girlfriend and unborn child when he passed away, and he was happy, thinking he was getting better. Living with someone close who struggles and then multiply that by two, and adolescence, young adulthood mixed in, and you have my descent as an empathetic aunt who felt powerless to change anything.

Then the bottom dropped out. My cousin, John Ahern, passed at the end of August after a long period of recovery alone in the woods. It didn't matter he came from privilege or was the nicest person I had ever known in my life for so long. He leaves behind three loving sons. They both couldn't access the help they needed at various stages, including recovery, and died alone.

It is my mission to stand up for them and the young people like my niece who began her struggle at 14, and now approaching 18 has some clean time. There are no support programs in my community for this age group, and especially for non-White young people like my niece and nephew. They are both of Latino descent. Please do something.

People are begging us everywhere in this country to help them, and basically it starts with treating this as an illness and not as a crime. It starts also with having clinics, having basic places where we can serve them and help them get clean. They cannot do it by themselves, and they are the first to tell you. The stories I am reading here exemplify that so well.

I have a Florida story here, and Florida has also been ravaged. Florida was a problem that we had in West Virginia because of the pill mills there. People would take the bus down or they could take a cheap flight down to Florida, buy all the pills they could and come back. Florida has been very helpful in the last years trying to stop the pill epidemic.

This is Janet from Fort Lauderdale.

Dear Senator Manchin. I appreciate you taking the time to stop the appointment of Dr. Califf from becoming the FDA commissioner. I founded STOPPnow—Stop the Organized Pill Pushers now—due to all the drug-addicted babies I was caring for as a neonatal intensive care nurse at a children's hospital in Broward County, FL. We started holding protests in front of the 150 pill mills that were in Broward County alone. Many parents came out to protest with us. Parents from all over the country contacted us as well. Too many parents are crying themselves to sleep over the loss of their child.

At first, there were no consequences for either the clinic owner or the doctor. Then they started arresting the doctors for money laundering. Our State's attorney has called the doctors drug dealers in white coats. The Board of Medicine is not protecting the public by allowing high-prescribing doctors to keep their license. Therefore, the plight of the drug-addicted babies and the devastation to the families continues to rise. When one clinic owner was arrested, he was earning \$150,000 a day.

I repeat, \$150,000 a day.

Not one doctor in that clinic to date has lost his license or his practice.

We only have the judicial system helping to alleviate this in Florida. Doctors are now being charged with first-degree murder. It would be kinder for a doctor to lose his license than to sit in a courtroom at their own murder trial.

We have been unsuccessful in our efforts for lawmakers to mandate that prescribers use the prescription drug monitoring program in Florida. Yet in this environment, there is a bill passing through the committees allowing nurse practitioners and physician assistants to prescribe narcotics without a doctor signing off on the order. I would support this bill if they included the mandate. And, of course, the FDA approved that children as young as 11 years old can be prescribed OxyContin. We definitely need an investigation.

Madam President, as you can see, these are problems that we have all over the country. This is not just your State and not just my State. I know it is hard. They say we need someone in there, so let's just go ahead and confirm Dr. Califf. Dr. Califf is an honorable man. He is still there. He is going to be there. He has been there for 1 year. In the 1 year that he has been there, we have basically put more opiate drugs on the market without even going through a clinical overview. If that change were going to come, it would have come by now. I am sure he could have had input, and I would hope that he would.

Dr. Califf has called a lot of our colleagues and said that these changes will be coming. This Senator will tell you the changes they recommended when they said they were going to make changes. They said: We are going to make sure that we are going to start listening to our staff and people who are reviewing these drugs.

They are going to listen to them, but there is no mandate that they will have to follow.

This Senator has a piece of legislation that the Presiding Officer coauthored, and I appreciate that very much. Basically what we are saying is this: When you have your advisory committee—and every drug must go through an advisory committee's opinion, and if they recommend as they did with Zohydro to not let it go on the market, that cannot be bypassed, neglected, or pushed aside. Our bill would basically state that they must bring it to the people's representatives in Congress and state why it is so very important for them to bring this new high-powered drug to the market—as if we don't have enough.

The United States has 5 percent of the world's population but consumes 80

percent of these addictive opiate drugs. Something is wrong. Something must change.

I thank the Presiding Officer for allowing me to be able to read the letters of people who have been affected by this all over this great country in all of our States. I know we feel the pain, and we are going to try to make these changes and make sure this agency will do what it is supposed to do.

I yield the floor.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

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

REMEMBERING JUSTICE ANTONIN SCALIA

Mrs. MURRAY. Madam President, first of all, I want to take a moment to honor the life and service of Supreme Court Justice Antonin Scalia.

Justice Scalia was a dedicated public servant who gave so many years to our courts and our country. He and I didn't agree on every issue, but his intellect, passion, and commitment were unquestionable. I know he will be missed, and the thoughts and prayers of Washington State families go out to his family.

FILLING THE SUPREME COURT VACANCY

Madam President, people across the country are now looking at what is happening here in Congress, and they are frustrated. They look at the many challenges we face as a Nation, and they want Democrats and Republicans to work together to tackle them to make sure our government is functioning and that it is working for all of our families, not just the wealthy and few.

Madam President, I share that frustration. We have been able to get things done when Democrats and Republicans work together to break through the gridlock. That shouldn't end just because it is an election year. It certainly should not end when it comes to one of our most important roles here in the Senate, working with the President to evaluate and confirm judges for the highest court in our land.

The Supreme Court plays such an important role in protecting the rights, liberties, and responsibilities of all Americans. Over the years the Court has made decisions that have moved our country in the right direction, and it has made decisions that have set us back. When the Court can do its work, it offers certainty to people across the country when it comes to their rights as workers or as patients or as consumers or as women or as citizens. At its best, it helps our judicial system rise above politics, above partisanship, and above the spats and sniping of the moment. In order to do that, the Court must have a full bench. It cannot have vacancies leading to potential deadlocks at every turn.

That is why I was so disappointed that hours after Justice Scalia passed away, Republican leaders jumped out of the gate to say they would not allow

the vacancy to be filled while President Obama was still in office. Right away—before the Nation had a chance to take in and mourn the loss of a Supreme Court Justice, a man who seriously believed in the Constitution—Republican leaders injected politics and partisanship into a process that should be about our obligations as Americans.

The Constitution is very clear. Let me take a moment to read from it directly.

In article II, which clearly defines the powers of the President, section 2 states that “he shall nominate and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court and all other Officers of the United States.”

Madam President, this could not be more explicit. The President “shall nominate” and shall appoint with “the Advice and Consent of the Senate”—not shall nominate in the first 3 years, not shall nominate unless the Senate leadership wants to keep the seat open for a while. The President “shall nominate.” That is his responsibility.

Then it is our responsibility in the Senate to consider, advise, and ultimately help make sure that the vacancy is filled with a qualified person. Of course, the Senate has the right to weigh in with our advice and consent. It is our job to vet nominees sent to us by the President, to make sure they are qualified for the job, and to determine if they meet the basic standards of honesty, ethics, qualifications, and fairness. Personally, this Senator will want to evaluate if they will be independent, evenhanded in deciding cases, and if they will uphold our rights and liberties, including the critical right to privacy.

Republican leaders are not objecting to a person; they are objecting to this President being allowed to do his job. That is not advice and consent; it is politicize and obstruct.

Republicans say there is a precedent to stall on Supreme Court nominations in the last year of a President's term. That is not true. President Reagan had Justice Kennedy confirmed with a unanimous vote in a Democratic Senate in his last year in office.

Since 1975, the average number of days from nomination to final Senate vote is about 70 days. So this kind of obstruction and partisanship is absolutely wrong. People across the country will not stand for it, and I hope our Republican leaders will back down and do the right thing because evaluating and confirming Supreme Court Justices is one of the most important roles we have in the U.S. Senate.

In fact, it is this issue that actually pushed me to run for the Senate in the first place. Back in 1991 I was a State senator, a former school board member, a mom. Like so many people at that time, I watched the Clarence Thomas confirmation hearings. For days I watched in frustration.

I couldn't believe this nominee wasn't pushed on the issues that I and

so many others thought were so important to our country. I didn't feel the Members on that committee represented the full spectrum of perspectives, and I decided then and there to run for the U.S. Senate to give Washington State families a voice.

Now, as a U.S. Senator, I want my questions answered. I want to make sure my constituents have a seat at the table and I get to push nominees for the highest Court in the land on the issues I care about most, but I can't do that if Republicans play election-year politics and don't even allow us to have that debate. The American people will not have a voice, the Court will be dysfunctional for a year longer, and Republicans will have politicized a process that should be above this sort of petty partisanship.

Many Republicans may not want to hear this, but Barack Obama is still President Obama for almost a full year more. This Senator is hopeful that Republicans will step back from this very dangerous and very partisan path they are on and work with us to consider and confirm a nominee in a reasonable timeframe.

Families across the country deserve to have a functioning Supreme Court and a Congress that works well enough to allow this to happen.

Thank you, Madam President.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here now for the 128th time to urge that we wake up to the ugly changes that carbon pollution is wreaking on our climate. It is happening all around us, and it is happening right now, not in some far-off future.

As humans we are terrestrial beings. We live on the land. So naturally we pay more attention to the experience where we live—things such as increasing average temperatures on the land and changes in extreme weather when it hits the land. We don't so much pay attention to what is happening in our warming and acidifying oceans.

The oceans are a big deal in climate change. For decades the oceans have absorbed more than 90 percent of the excess heat trapped in the atmosphere by greenhouse gas emissions. Of all the different places the excess heat goes, 93 percent is into the oceans. What we see in the atmosphere—the temperature changes we have already measured, the

changes we are seeing in our habitat and what is happening to the western forest—all of that is less than the remaining 7 percent.

A study published in the journal *Nature Climate Change* found that the oceans have absorbed as much energy just since 1997 as they had in the preceding 130 years—as much in 20 years, less than 20 years, as they had in the preceding 130 years.

According to an Associated Press write-up of the study's findings, "Since 1997, Earth's oceans have absorbed man-made heat energy equivalent to a Hiroshima-style bomb being exploded every second for 75 straight years." That is the energy load of heat that has gone into our oceans—a Hiroshima-style bomb exploded every second for 75 straight years. What does all that excess energy mean for the oceans? It means that sea levels are rising, in part due to melting glaciers but also because of expanding ocean water. It is basic physics, explained by the principle of thermal expansion. When the ocean warms, it expands. It can't go down, so it comes up along our shores.

We have measured sea level rise in Rhode Island since 1930. Since then, the water level is up nearly 10 inches at the tide gauge at Naval Station Newport, and rates of sea level rise are on the increase worldwide. Since 1993, global sea level has risen at a rate approximately double the average rate observed through the 20th century. It is accelerating.

Current forecasts confirm that if we do nothing to curb greenhouse gas emissions over the next decades, the oceans could rise as much as 3 or 4 feet by 2100. Our State coastal management agency predicts that we could see as much as 7 feet of sea level rise in the Ocean State, in Rhode Island, by the end of the century. I hope my colleagues understand that when I come to do this, I am deadly serious about things that are predicted to happen in my State.

This week, the Proceedings of the National Academy of Sciences reported that global sea levels are rising at their fastest rate in nearly 3,000 years. That study also estimates that about half of the 20th century sea level rise would not have occurred without global warming.

The lead author, Dr. Robert Kopp, an earth scientist at Rutgers University, explained in the *New York Times*:

Physics tells us that sea-level change and temperature change should go hand-in-hand. This new geological record confirms it.

Sea level rise matters to my constituents and to all coastal communities. A related study, led by Dr. Robert Strauss, found that approximately three-quarters of the tidal flood days now occurring in towns along the east coast are a result of the rise in sea level caused by human emissions. For example, looking at tide gauge data, 32 flood days were recorded in the decade from 1955 to 1964 at Annapolis, MD, and 34 flood days were recorded in that

same period for Charleston, SC. In one decade, there were 32 flood days in Annapolis and 34 flood days in Charleston. Scroll forward to the decade 2005 to 2014, and the number of flood days in Annapolis jumps to 394 from 32—in one decade—and 219 flood days were recorded in Charleston.

Sea level rise brings coastal erosion, and it brings saltwater inundation of coastal marshes and habitats. It amplifies the effects of storm surge and flooding as storms ride ashore on higher seas. It changes flood zones and affects flood insurance for homeowners. These are real problems, and they are serious problems.

Dr. Strauss explains in a *New York Times* article this week:

It's not the tide. It's not the wind. It's us.

The main culprit is carbon dioxide building up in the atmosphere, which again in 2015 reached new record levels. To put a little context on this, for as long as human beings have inhabited planet Earth, we have existed safely in a range between 170 and 300 parts per million of carbon dioxide in the atmosphere. Unfortunately, we broke beyond 300 parts per million early last century, and we haven't looked back. We have now exceeded 400 parts per million.

Among its harms, this excess carbon dioxide has a particularly damaging chemical effect on our oceans. Oceans, in addition to absorbing 90 percent of the heat, I pointed out, are absorbing about 30 percent of the carbon dioxide—it goes right into the oceans—roughly 600 gigatons since preindustrial times. As all that carbon is absorbed into the oceans, it changes the oceans' chemistry. It makes the oceans more acidic. The chemical reaction is simple, but the effects on the ocean are serious.

This chart shows ocean pH—or acidity—over the past 25 million years, and we can see some variation across those millions of years. This is what is projected for the next 100 years: pH drops equals acidity rises.

According to a research article published in the journal *Nature Geoscience*, the rate of change in ocean acidity is already faster than at any time recorded in the past 50 million years. Scientists go back and they can see this in the geologic record. We have broken every record for 50 million years—millions of years before human beings were ever on the planet.

This all may sound esoteric, but it has real hometown consequences for Rhode Island, where coastal life defines our heritage, our culture, and our economy. Fishing is big business in my State. Rhode Island's annual farmed oyster production, for instance, is valued at over \$5 million. But carbon pollution is changing the very chemistry in which those oysters must survive.

Research on the effects of ocean acidification on shellfish and other marine life can barely keep up with a rapidly acidifying ocean—another reason we need more money for research. Change is coming at us faster. We have

to speed up the pace of research to understand it. But what we do know is that shellfish, such as mussels, clams, and oysters, make their shells from calcium carbonate, and calcium carbonate dissolves in acidified seawater.

Here is how Bob Rheault, executive director of the East Coast Shellfish Growers Association, put it:

The only thing we know for sure is that the larvae, in that first 48-hour period before they start feeding, are tremendously susceptible to dissolution. Their energy budget goes negative because they haven't started to feed yet, and if they haven't got enough energy in that egg and they're starting to dissolve, then it takes extra energy to lay down shell, and they sometimes don't make it.

Here we see normal, healthy oyster larvae in those first few crucial days of development, compared to larvae growing in more acidic ocean water.

NOAA scientists have projected that the world's oceans and coastal estuaries will become 150 percent more acidic by 2100. This could mean disaster for shellfish—a \$1 billion industry around the country. U.S. shellfish production is currently expected to see a 10- to 25-percent reduction in the next five decades, according to the Woods Hole Oceanographic Institute. Again, pardon me for being serious about this, but it is currently predicted that a major industry in my State is going to be knocked down 10 to 25 percent because we are making our oceans acidic with carbon pollution.

A study published last year found that Rhode Island's shellfish populations are especially vulnerable. Mark Gibson is the deputy chief of marine fisheries at the Rhode Island Department of Environmental Management, and he calls ocean acidification a "significant threat" to local fisheries. I don't know how many Senators are expected to forget or ignore a significant threat to an industry in their home State because it is inconvenient for lobbyists and for the fossil fuel industry, but I don't think that is a fair thing to ask of me.

But acidification is not the only problem for fishermen. In a 2015 survey from the Center for American Progress, 40 percent of fishermen in the Northeast reported catching new fish species they don't usually see in the waters they fish. Rhode Islanders are starting to catch tarpon and grouper, usually tropical fish; our valuable winter flounder fishery is virtually gone; and our lobstermen have to go farther and farther out to sea to find cooler waters where they can catch their lobsters.

Among the fishermen surveyed, 80 percent of those who noticed "warmer water temperatures" attribute it to climate change. This is new. When I first got to the Senate, if I went down to Galilee—Rhode Island's largest fishing port—and tried to talk to the fishermen there about climate change or ocean acidification, I was lucky if they didn't throw me off the pier. They didn't want to hear about it. But then it started to hit home. Now fishermen

come to me and say: SHELDON, it is getting weird out there. SHELDON, this is not my grandfather's ocean any longer. These are men who fished with their grandfathers, who fished with their fathers, and who now have their own boats. They know these waters, and when they say that the ocean has changed and it is getting weird out there, we should listen. They are on the water every day, and they see these changes happen before their very eyes.

I hope my Republican colleagues are like those fishermen. I am sure some of them probably want to throw me off a pier for all these talks, but mostly they probably just don't want to hear about climate change. But what I am hoping is that soon they will hear it from the fishermen in their own States, or their farmers or their foresters, and that they will hear it from their State health officials, their State emergency officials, their own State universities, and they will listen. When they do, they will realize the fossil fuel industry has been duplicitous with them and has been leading them away from their own State's best interests. They will learn that the fossil fuel industry lobbyists are false friends as well as greedy ones.

We have a clear scientific understanding of the problem. Yet relentless fossil fuel opposition prevents us from moving toward a solution. It is a disgrace, frankly.

It is time to pay attention to reality, to the evidence, to what our farmers and foresters, and, yes, our fishermen are telling us. It is time to shut off the toxic polluter-paid politics that cloud this issue and give Washington a dirty name. It is time, indeed, to wake up.

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

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

#### TRIBUTE TO ALEE LOCKMAN

Mr. DAINES. Mr. President, I rise to recognize Alee Lockman.

Alee Lockman is the pride of Brockton, MT. In fact, Alee grew up on her family's wheat farm 10 miles north of Brockton in eastern Montana. Alee is also the pride of Froid High School, a classic high school in Montana. She was the valedictorian of a graduating class size of six. Alee graduated from Froid High School and went on to Harvard and graduated in 2010.

Alee Lockman also served as my communications director for the past 3 years. She came back to Washington when I was elected to the House and served on my team there. She worked on my campaign staff as well when we ran for the U.S. Senate. And thanks to Alee's tireless work and strong work ethic, we were able to win that race, and she came over to the Senate side

and served as my communications director there for the past year-plus.

She played an absolutely invaluable role in my office. She is a brilliant, creative thinker who has a talent unparalleled.

I will never forget our road trips across Montana. There were times when we would spend countless hours in a small, little compact car—I am used to driving my big Ford pickup—that we would rent and literally drive thousands of miles across Montana and visit all the small towns.

Nobody was a greater advocate for rural Montana issues—somebody who lived it and breathed it her entire life—than Alee Lockman. In fact, one of the best nights of the month was our monthly tele-townhall meeting, where tens of thousands of Montanans would know Alee's voice because she would always introduce me. I always took pride in announcing: "You just heard from Alee Lockman from Brockton, MT."

I could always count on her to provide wisdom and much needed insight, particularly when it came to my prolific social media feeds. Sometimes Alee would place guardrails around what I probably should or should not be saying.

We are going to miss Alee Lockman. Alee has gone on to pursue a great, new opportunity, which I am very excited about for her, and I wish her the very best.

I wish to thank Alee Lockman for her service to the people of Montana, to this Nation, and to this institution.

You are going to be missed, Alee, and we wish you the best of luck in your future endeavors.

#### MORNING BUSINESS

Mr. DAINES. 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.

#### ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I wish to discuss S. 483, the Ensuring Patient Access and Effective Drug Enforcement Act, which the Judiciary Committee reported out by voice vote right before we went into recess. At the outset, I would like to thank Senator WHITEHOUSE for his important work on this bill. He and his staff have been crucial partners in helping to move this legislation forward.

S. 483 will bring much-needed clarity to several key provisions of the Controlled Substances Act. In particular, it will better delineate the standards a company must satisfy in order to obtain a Controlled Substances Act registration and the circumstances under which a registration may be suspended without an adjudicative proceeding.

To elaborate briefly on this second point, under the terms of the Controlled Substances Act, the Attorney General may suspend a registration to manufacture or distribute controlled substances without court process if she determines there is an imminent danger to the public health and safety, but the Controlled Substances Act does not define what constitutes an imminent danger. S. 483 clarifies the Attorney General's authority under this provision by specifying that imminent danger means that, "due to failure of the registrant to maintain effective controls against diversion or otherwise comply with the obligations of a registrant under this title or title III, there is a substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur in the absence of an immediate suspension of the registration."

It is the intent of the bill authors that the phrase "substantial likelihood of an immediate threat that death, serious bodily harm, or abuse of a controlled substance will occur" include situations where evidence of diversion indicates there is a substantial likelihood that abuse of a controlled substance will occur—that is it is the intent of the authors that this language authorize the Attorney General to issue an immediate suspension order in cases where evidence of diversion points to a substantial likelihood of abuse, provided the other conditions for issuing such an order are met.

In addition to these important clarifications, S. 483 will also facilitate greater collaboration between registrants and relevant Federal actors in combatting prescription drug abuse. In particular, the bill provides a mechanism for companies who inadvertently violate the Controlled Substances Act to submit a corrective action plan to remediate the violation before their registration is suspended and the supply of drugs to patients is interrupted. This provision will encourage greater self-reporting of violations and promote joint efforts between government and private actors to stem the tide of prescription drug abuse. It will also help ensure that supply chains remain intact for legitimate uses such as the alleviation of pain and illness.

S. 483 takes a balanced approach to the problem of prescription drug abuse. It clarifies and further defines the Attorney General's enforcement powers while seeking to avoid situations that may lead to an interruption in the supply of medicine to suffering patients. It reflects a measured, carefully negotiated compromise between stakeholders and law enforcement that will enable both to work together more effectively. I thank Senator WHITEHOUSE again for his work on this bill and urge my colleagues to give it their strong support.

## VOTE EXPLANATION

Ms. HEITKAMP. Mr. President, I was necessarily absent for yesterday's vote on the motion to invoke cloture on the nomination of Robert McKinnon Califf to be Commissioner of Food and Drugs, Department of Health and Human Services, so I could attend the funeral service for Police Officer Jason Moszer with the city of Fargo, ND, who lost his life in the line of duty.

Had I been present, I would have voted yea on the motion.

## NOMINATION OBJECTION

Mr. LANKFORD. Mr. President, we have witnessed in this administration Executive overreach with increasing boldness. One manifestation of Executive overreach is the shocking indifference with which departmental agencies spurn the congressionally mandated rulemaking processes in favor of regulating under the guise of "guidance documents." Guidance documents in their proper form advise the public of their obligations under existing law and, therefore, merely interpret the law without imposing any additional obligation. Agencies are quick to echo that guidance documents do not have the force and effect of law; yet governmentwide, agencies increasingly have used guidance as an end-run around the rulemaking process in violation of Federal law.

The Department of Education's Office for Civil Rights is such an offender. Their guidance documents, including Dear Colleague letters on harassment and bullying, issued October 23, 2010, and sexual violence, issued April 4, 2011, purport to merely interpret title IX of the Education Amendments of 1972, yet advance troublesome policies not contemplated by the text of title IX or its implementing regulations.

I appreciate the fact that these guidance documents predated Mr. King's service at the Department of Education, and I do not assert that he had any role in developing or issuing the letters. However, in a letter dated January 7, 2016, I asked him to clarify his role as Acting Secretary, in no uncertain terms, that the policies expounded in the 2010 and 2011 letters not required by the terms of title IX cannot be grounds for any adverse action.

To my disappointment, his response failed to do so. Mr. King should commit to use the office of the Secretary to rein in the regulatory abuses within the Department of Education and encourage his Cabinet counterparts to do the same. Until such time as such commitments are made, I intend to object to his nomination.

## REMEMBERING JUSTICE ANTONIN SCALIA

Mr. ENZI. Mr. President, I wish to offer a few words remembering Associate Justice Antonin Scalia of the Supreme Court. America has lost a legal

giant and tireless defender of the Constitution. Justice Scalia dedicated his life to his country and the rule of law. His passing is a significant loss for the Court and the United States.

Few Associate Justices of the Supreme Court capture the attention of both lawyers and non-lawyers like Justice Scalia has throughout his career. Antonin Scalia used wit, humor, and colorful writing to captivate Americans in his judicial opinions and educational talks. Justice Scalia also felt strongly about protecting the rights of the individual and did so in monumental opinions interpreting the First, Second, Fourth, and Sixth Amendments. In the immediate days following his passing, I received substantial correspondence from Wyoming residents praising his work for upholding the Constitution and defending individual liberties.

A number of my colleagues have already mentioned how Justice Scalia would always put the Constitution first, even if it conflicted with his personal views. This was the case when Justice Scalia voted to uphold the right of protesters to burn the American flag—even though he strongly disagreed with flag desecration.

When it comes to privacy, Justice Scalia established himself as a leading champion of the Fourth Amendment, particularly when it comes to privacy in one's home or car.

Justice Scalia also authored a landmark majority opinion upholding gun rights under the Second Amendment which reiterated the constitutional right of an individual to keep and bear arms in the District of Columbia, a right which was later incorporated to all States.

Justice Scalia also fought ardently for religious freedoms under the Establishment Clause and joined others in upholding freedom of association under the First Amendment.

From his earliest days on the Supreme Court, Scalia approached the Constitution and statutes passed by Congress as a textualist. He protected the vertical separation of power in our federalist system which keeps decisions closer to the people and fought for the separation of powers amongst the three branches of Federal Government.

Most recently, Justice Scalia challenged Executive overreach in the unanimous decision of the Supreme Court invalidating President Obama's unconstitutional recess appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau.

Finally, Justice Scalia's writings, judicial philosophy, and lectures have influenced future generations of lawyers and jurists. Whether, during oral argument, asking if the government can "make people buy broccoli" or referencing Cole Porter lyrics in opinions, Scalia used words to rebut, challenge, and persuade.

Justice Scalia's legacy and legal precedents will stand the test of time,

and our Nation owes him a debt of gratitude for his service. My wife, Diana, and I send our prayers and condolences to the Scalia family.

## 40TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS FOUNDATION AND 45TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS

Mr. BOOKER. Mr. President, today I wish to honor the 40th anniversary of the Congressional Black Caucus Foundation, Incorporated, CBCF. It is fitting that during the month we celebrate Black history, we commemorate the decades of service CBCF has rendered to the Nation by advancing policy issues that impact the global Black community.

Black History Month is an ideal time to reflect on the ways the law has shaped the African-American experience. Our Nation has come a long way since the time when schools were segregated by law. No longer does the law bar African Americans from the voting booth. Today we have African-American Members of Congress who help craft the law; Yet the important work of civil rights remains unfinished.

Since 1976, CBCF has been a critical partner with Congress in the fight for equal rights. As a nonpartisan nonprofit institute dedicated to eliminating racial disparities, CBCF has served as an inspiration to not just African Americans, but to people across the globe. However, its legacy and impact have been far from symbolic.

From helping to make the birthday of Dr. Martin Luther King, Jr., a Federal holiday, to rebuilding communities impacted by Hurricane Katrina, to working on major legislation like the Elementary and Secondary Education Act, to building a virtual library project to shed a spotlight on the work of Black-elected officials, CBCF has stood alongside African-American elected leaders on some of the most critical policy issues of our time.

As we move in 2016, the work of CBCF is more important than ever. Today people of color face disparities in the areas of criminal justice reform, voting rights, and economic development both at home and abroad. Its founders—Nira Hardon Long, Albert Nellum, and Congresswoman Yvonne Burke—envisioned CBCF as an important contributor in the quest for racial equality.

The need remains. The vision lives on. And we have more work to do. I am confident CBCF will continue to serve our country admirably and protect African Americans vigorously. I salute CBCF for their service and celebrate their 40th anniversary.

This year also marks the 45th anniversary of the founding of the Congressional Black Caucus, CBC. I express my appreciation to the 13 founding members of the CBC in 1971 and the 17 members of the CBC class of 1976 for paving the way for African-American Members of Congress, like me, to follow in their

footsteps. Their dedication to ensuring America fulfills the promise of equal justice for all serves as a constant inspiration. I stand on the shoulders of giants in CBC, and I salute their sacrifice.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### VERMONT ESSAY CONTEST

• Mr. SANDERS. Mr. President, I would like to extend my sincere thanks for the continued involvement of Vermont high school teachers and principals in my annual State of the Union essay contest. This year, 799 Vermont students from 39 high schools wrote essays detailing what they thought were the most important issues facing our country. We could not have achieved this level of participation without the help of engaged educators throughout the State.

Each and every day, teachers encourage students to think critically and develop their own ideas. I appreciate that so many teachers have used the essay contest to challenge their students to share what they consider to be priorities for the United States. This year's submissions were some of the most thoughtful to date, and I have no doubt that is because of the encouragement of engaged teachers from across the State.

The success of this essay contest also depends on a dedicated team of volunteer judges, all of whom are also high school teachers. This year, we asked our five judges—some of whom have served for many years—to read more essays in less time, and we greatly appreciate the serious consideration and commitment they brought to the task. I would like to take a moment to recognize this year's judges: Bradley Archer, Woodstock Union High School; Jason Gorczyk, Milton High School; Krista Huling, South Burlington High School; Roberta "Cookie" Steponaitis, Vergennes Union High School; and Terri Vest, Twinfield Union High School.

I would also like to enter into the RECORD the names of the 39 high schools that participated this year:

Arlington Memorial High School, Bellows Falls Union High School, Bellows Free Academy—Fairfax, Blue Mountain High School, Burlington High School, Burlington Technical Center, Burr & Burton Academy, Canaan Memorial High School, Champlain Valley Union High School, Colchester High School, Enosburg Falls High School, Green Mountain Technology and Career Center, Hanover High School, Hartford High School, Harwood Union High School, Leland and Gray Union High School, Mill River Union High School, Milton High School, Missisquoi Valley Union High School, Mount Mansfield Union High School, Mt. Abraham Union High School, Mt. Anthony Union High School, North Country Union High School, Northfield High School, Peo-

ples Academy, Rice Memorial High School, Rutland High School, South Burlington High School, South Royalton High School, Spaulding High School, St. Johnsbury Academy, Stafford Technical Center, Twinfield High School, Union High School, Vergennes Union High School, Vermont Commons School, Whitcomb High School, Winooski High School, Woodside Juvenile Rehab Center, and Woodstock Union High School.

Additionally, I would like to thank the schools where an especially large number of students wrote essays. Vermont Commons School and Missisquoi Valley Union High School had more than 25 participants. Green Mountain Technology and Career Center and South Burlington High School both had more than 50 students write essays. Mount Abraham Union High School had more than 100 members of their freshmen class write essays. Rutland High School assigned the contest to their entire freshmen class, with more than 200 students participating.

I would like to thank all of Vermont's teachers and principals for their tireless work educating students and for helping to make the sixth annual State of the Union essay contest a success.●

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DAVID B. NORRIS

• Mrs. BOXER. Mr. President, I wish to recognize and congratulate Mr. David B. Norris, national vice chairman for legislation of Veterans of Foreign Wars, on his retirement after more than three decades of service to California veterans.

A resident of Tracy, CA, Mr. Norris enlisted in the Army in January 1966 and served his country honorably, deploying to Vietnam with the 7th Psychological Operations Group. In recognition of his contributions, he received the Vietnam Service Medal, Presidential Unit Citation with oak leaf cluster, and Good Conduct Medal with oak leaf cluster.

Following his service to the country, Mr. Norris received his associates of arts degree in business from Northwest Missouri State University in 1974 and went on to become a paralegal for Century Law Offices in Costa Mesa and San Ramon, CA, and serve on the city of Tracy planning commission.

Mr. Norris joined the VFW in 1968 at Post 9723 in Okinawa, Japan, and, as a life member, has served on several California and national committees, including as the national chaplain, national chief of staff, and national judge advocate general. He is also a member of the Vietnam Veterans of America and a life member of the American Legion.

Mr. Norris has been a tireless advocate for veterans and a leading voice on efforts to assist female and homeless veterans. I would like to thank Mr.

Norris for everything he has done to advance the needs of California veterans and wish him and wife, Sandy, all the best as he retires from legislative service with the VFW.●

##### TRIBUTE TO ANGELA MERKLE

• Mr. ROUNDS. Mr. President, today I wish to recognize Angela Merkle, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Angela is a graduate of Canton High School in Canton, SD. She recently graduated from Augustana University in Sioux Falls, where she studied government and international affairs. She is a positive and diligent worker who has been devoted to getting the most out of her internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Angela for all of the fine work she has done and wish her continued success in the years to come.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 6:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 644. An act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. DAINES).

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4405. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances" (FRL No. 9939-59-OCSPP) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4406. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzyl acetate; Exemption from the Requirement of a Tolerance" (FRL No. 9941-49-OCSPP) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4407. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluridone; Pesticide Tolerances" (FRL No. 9941-69-OCSPP) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4408. A communication from the Congressional Review Coordinator, Animal and



Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims” (RIN0579-AE14) (Docket No. APHIS-2015-0061) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4409. A communication from the Associate Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate” (Docket No. AMS-FV-15-0033; FV15-922-1 FIR) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4410. A communication from the Associate Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Paper and Paper-Based Packaging Promotion, Research and Information Order; Late Payment and Interest Charges on Past Due Assessments” (Docket No. AMS-FV-14-0082) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4411. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Exemption of Organic Products From Assessment Under a Commodity Promotion Law” (Docket No. AMS-FV-14-0032) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4412. A communication from the Associate Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Kiwifruit Grown in California; Increased Assessment Rate” (Docket No. AMS-FV-15-0056; FV15-920-1 FR) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4413. A communication from the Associate Administrator of the Livestock, Poultry and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Revision to Incorporate the Electronic Submission of the Import Request of Shell Eggs” (RIN0581-AD41) (Docket No. AMS-LPS-14-0055) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4414. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Importation of *Phalaenopsis* Spp. Plants for Planting in Approved Growing Media From China to the Continental United States” (RIN0579-AE10) (Docket No. APHIS-2014-0106) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4415. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS) for fiscal year 2015; to the Committee on Armed Services.

EC-4416. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

EC-4417. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for fiscal year 2017 and the succeeding 4 years, fiscal years 2018–2021; to the Committee on Armed Services.

EC-4418. A communication from the Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2015; to the Committee on Armed Services.

EC-4419. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to assistance provided by the Department of Defense (DoD) for sporting events during calendar year 2015; to the Committee on Armed Services.

EC-4420. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the final six-month periodic report on the national emergency that was declared in Executive Order 13348 of July 22, 2004, relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-4421. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report entitled “The CFPB strategic plan, budget, and performance plan and report”; to the Committee on Banking, Housing, and Urban Affairs.

EC-4422. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board’s semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-4423. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Cuba Licensing Policy Revisions” (RIN0694-AG79) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-4424. A communication from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled “The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran”; to the Committee on Energy and Natural Resources.

EC-4425. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Annual Update of Filing Fees” (RIN1902-AF17) (Docket No. RM16-00002-000) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Energy and Natural Resources.

EC-4426. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-4427. A communication from the Director of Congressional Affairs, Nuclear Regu-

latory Commission, transmitting, pursuant to law, the report of a rule entitled “Compliance with Order EA-12-049, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events” (JLD-ISC-2012-01, Revision 1) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Environment and Public Works.

EC-4428. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Changes to Buried and Underground Piping and Tank Recommendations” (LR-ISC-2015-01) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Environment and Public Works.

EC-4429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Title V Operating Permit Program Revision; West Virginia” (FRL No. 9942-12-Region 3) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Environment and Public Works.

EC-4430. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Regional Haze BART Alternative Measure: Washington” (FRL No. 9942-15-Region 10) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Environment and Public Works.

EC-4431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for the 2015 Compliance Year” (FRL No. 9942-27-OAR) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4432. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; 2008 Ozone NAAQS Interstate Transport for Colorado, Montana, North Dakota, and South Dakota” (FRL No. 9942-31-Region 8) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4433. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; New Mexico/Albuquerque-Bernalillo County; Infrastructure and Interstate Transport State Implementation Plan for the 2010 Sulfur Dioxide National Ambient Air Quality Standards” (FRL No. 9942-29-Region 6) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4434. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of New Mexico/Albuquerque-Bernalillo County; Infrastructure and Interstate Transport SIP 2010 Nitrogen Dioxide National Ambient Air Quality Standards” (FRL No. 9942-30-Region 6) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4435. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Iowa's Air Quality Implementation Plans; Polk County Board of Health Rules and Regulations, Chapter V, Revisions." (FRL No. 9942-37-Region 7) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4436. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Iowa's State Implementation Plan (SIP); Electronic Reporting Consistent with the Cross-Media Electronic Reporting Rule (CROMERR)" (FRL No. 9942-39-Region 7) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4437. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead-based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements" ((RIN2070-AK02) (FRL No. 9941-61)) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4438. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule on Certain Chemical Substances" ((RIN2070-AB27) (FRL No. 9941-56)) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Environment and Public Works.

EC-4439. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Returning Evidence at the Appeals Council Level" (RIN0960-AH64) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Finance.

EC-4440. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Member, IRS Oversight Board, received in the Office of the President of the Senate on February 9, 2016; to the Committee on Finance.

EC-4441. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Member, IRS Oversight Board, received in the Office of the President of the Senate on February 9, 2016; to the Committee on Finance.

EC-4442. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2015 and Annual Performance Plan for fiscal year 2016-2017; to the Committee on Finance.

EC-4443. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Reporting and Returning of Overpayments" ((RIN0938-AQ58) (CMS-6037-F)) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Finance.

EC-4444. A communication from the Deputy Director, Centers for Medicare and Med-

icaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Final FY 2013 and Preliminary FY 2015 Disproportionate Share Hospital Allotments, and Final FY 2013 and Preliminary FY 2015 Institutions for Mental Diseases Disproportionate Share Hospital Limits" ((RIN0983-ZB24) (CMS-2398-N)) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Finance.

EC-4445. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2015; to the Committee on Foreign Relations.

EC-4446. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC-4447. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Budget Justification for fiscal year 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-4448. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-4449. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-4450. A communication from the General Counsel, Department of Commerce, transmitting proposed legislation entitled "Marrakesh Treaty Implementation Act of 2016"; to the Committee on the Judiciary.

EC-4451. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-4452. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Eagle Foothills Viticultural Area" (RIN1513-AC18) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Commerce, Science, and Transportation.

EC-4453. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Los Olivos District Viticultural Area" (RIN1513-AC11) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Commerce, Science, and Transportation.

EC-4454. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands

Management Area; New Cost Recovery Fee Programs" (RIN0648-BE05) received in the Office of the President of the Senate on February 11, 2016; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. McCain for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Robert S. Williams, to be Lieutenant General.

Air Force nomination of Col. Brook J. Leonard, to be Brigadier General.

Air Force nomination of Col. Michael A. Guetlein, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. Steven L. Basham and ending with Brig. Gen. John M. Wood, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016. (minus 1 nominee: Brig. Gen. Paul D. Nelson)

Mr. McCain. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Eric R. Baugh, Jr. and ending with Jeanluc G. C. Niel, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2016.

Air Force nominations beginning with Brian J. Alent and ending with Bryan A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2016.

Air Force nomination of Khurram A. Khan, to be Major.

Air Force nominations beginning with Bruce E. Sternke and ending with Jeffrey S. Woolford, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Air Force nominations beginning with Mary E. Clark and ending with James A. Jernigan, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Air Force nomination of Margaret C. Martin, to be Colonel.

Air Force nominations beginning with Gregory J. Malone and ending with Gregory K. Richert, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nomination of Ricardo O. Morales, to be Colonel.

Army nomination of Christopher W. Wendland, to be Colonel.

Army nomination of Michael J. Mulcahy, to be Lieutenant Colonel.

Army nomination of Kelly K. Greenhaw, to be Colonel.

Army nominations beginning with George L. Barton and ending with Richard A. Wholey, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nomination of Nicholas H. Gist, to be Colonel.

Army nominations beginning with Matthew J. Aiesi and ending with Jason D.

Young, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nomination of D012199, to be Major. Army nomination of James C. Sullivan, to be Lieutenant Colonel.

Army nomination of Mark R. Biehl, to be Colonel.

Army nominations beginning with Ryan P. Brennan and ending with Paul E. Patterson, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2016.

Army nominations beginning with Scott F. Bartlett and ending with Kenneth G. Verboncoeur, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2016.

Marine Corps nomination of Lucas M. Chesla, to be Major.

Marine Corps nomination of Jaime A. Ibarra, to be Lieutenant Colonel.

Marine Corps nominations beginning with Curtis J. Smith and ending with Bryan E. Stotts, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Allen L. Lewis and ending with David Stevens, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Michael J. Malone and ending with Michael C. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nomination of Conrad G. Alston, to be Lieutenant Colonel.

Marine Corps nomination of James C. Rose, to be Lieutenant Colonel.

Marine Corps nomination of Shawn A. Harris, to be Lieutenant Colonel.

Marine Corps nominations beginning with David F. Hunley and ending with Arlie L. Miller, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Michael J. Barriball and ending with John V. Russell IV, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Jameel A. Ali and ending with Ambrosio V. Pantoja, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Isaac Rodriguez and ending with Brian G. Wisneski, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Keith D. Burgess and ending with Keith J. Luzbetak, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Christopher W. Benson and ending with Shelton Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Kevin L. Freiburger and ending with Jason H. Perry, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Marine Corps nominations beginning with Charles W. Demling III and ending with Glen F. Tedtaotao, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Navy nomination of Kielly A. Andrews, to be Lieutenant Commander.

Navy nominations beginning with Jeffrey C. Chao and ending with Joseph A. Moore, which nominations were received by the Sen-

ate and appeared in the Congressional Record on January 28, 2016.

Navy nomination of Erik J. Kjellgren, to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. UDALL, and Mr. HEINRICH):

S. 2564. A bill to modernize prior legislation relating to Dine College; to the Committee on Indian Affairs.

By Mr. GRASSLEY (for himself and Mr. MCCONNELL):

S. 2565. A bill to amend part B of title IV of the Social Security Act to reauthorize grants to assist children affected by methamphetamine, opioid, or other substance abuse under the promoting safe and stable families program; to the Committee on Finance.

By Mrs. SHAHEEN (for herself, Mr. BLUMENTHAL, and Mr. LEAHY):

S. 2566. A bill to amend title 18, United States Code, to provide sexual assault survivors with certain rights, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mrs. CAPITO):

S. 2567. A bill to require the Director of the Centers for Disease Control and Prevention to issue guidelines relating to the prescription of opioids for acute pain; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 2568. A bill to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 2569. A bill to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes; to the Committee on Environment and Public Works.

## ADDITIONAL COSPONSORS

S. 386

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 524

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 578

At the request of Ms. COLLINS, the name of the Senator from Michigan

(Mr. PETERS) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 586

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 598

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 598, a bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes.

S. 682

At the request of Mr. DONNELLY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 682, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 901

At the request of Mr. MORAN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 1440

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1440, a bill to amend the Federal Credit Union Act to exclude a loan secured by a non-owner occupied 1- to 4-family dwelling from the definition of a member business loan, and for other purposes.

S. 1495

At the request of Mr. TOOMEY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1715

At the request of Mr. HOEVEN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1810

At the request of Mr. VITTER, the name of the Senator from Alabama

(Mr. SHELBY) was added as a cosponsor of S. 1810, a bill to apply the provisions of the Patient Protection and Affordable Care Act to Congressional members and members of the executive branch.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1883

At the request of Mr. REED, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1883, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1915

At the request of Ms. AYOTTE, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2002

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2002, a bill to strengthen our mental health system and improve public safety.

S. 2030

At the request of Mr. BENNET, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2030, a bill to allow the sponsor of an application for the approval of a targeted drug to rely upon data and information with respect to such sponsor's previously approved targeted drugs.

S. 2040

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2040, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 2226

At the request of Ms. AYOTTE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2226, a bill to amend the Public Health Service Act to reauthorize the residen-

tial treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women.

S. 2276

At the request of Mrs. FISCHER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2276, a bill to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

S. 2291

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2291, a bill to amend title 38, United States Code, to establish procedures within the Department of Veterans Affairs for the processing of whistleblower complaints, and for other purposes.

S. 2344

At the request of Mr. COTTON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2426

At the request of Mr. GARDNER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2426, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

S. 2437

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2437, a bill to amend title 38, United States Code, to provide for the burial of the cremated remains of persons who served as Women's Air Forces Service Pilots in Arlington National Cemetery, and for other purposes.

S. 2464

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2464, a bill to implement equal

protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S. 2470

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2470, a bill to repeal the provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program.

S. 2502

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2502, a bill to amend the Employee Retirement Income Security Act of 1974 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2505

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2505, a bill to amend the Internal Revenue Code of 1986 to ensure that retirement investors receive advice in their best interests, and for other purposes.

S. 2514

At the request of Mr. COTTON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2514, a bill to require the Bureau of Justice Statistics to report on recidivism rates of Federal prisoners who are released early, and for other purposes.

S. 2545

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2545, a bill to modify the requirements of the Department of Veterans Affairs for reimbursing health care providers under section 101 of the Veterans Access, Choice, and Accountability Act of 2014, and for other purposes.

S. 2549

At the request of Mr. MERKLEY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2549, a bill to require the Transportation Security Administration to conduct security screening at certain airports, and for other purposes.

S. 2558

At the request of Mrs. FISCHER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2558, a bill to expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

S. 2559

At the request of Mr. BURR, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 2559, a bill to prohibit the modification, termination, abandonment, or transfer of the lease by which the United States acquired the land and waters containing Naval Station, Guantanamo Bay, Cuba.

S.J. RES. 25

At the request of Mr. FLAKE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S.J. Res. 25, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Administrator of the Environmental Protection Agency relating to "National Ambient Air Quality Standards for Ozone".

S. CON. RES. 26

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution expressing the sense of Congress regarding the right of States and local governments to maintain economic sanctions against Iran.

S. RES. 362

At the request of Mr. BURR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 362, a resolution recognizing the contributions of the Montagnard indigenous tribespeople of the Central Highlands of Vietnam to the United States Armed Forces during the Vietnam War, and condemning the ongoing violation of human rights by the Government of the Socialist Republic of Vietnam.

S. RES. 368

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 368, a resolution supporting efforts by the Government of Colombia to pursue peace and the end of the country's enduring internal armed conflict and recognizing United States support for Colombia at the 15th anniversary of Plan Colombia.

AMENDMENT NO. 3257

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 3257 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2568. A bill to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am proud to introduce the California Desert Conservation and Recreation Act.

In February of 2015, I, along with Sen. BOXER, introduced a bill under the same name. That bill from 2015 included a number of conservation and recreation provisions that the President could not include in his recent designation of three national monuments.

The President's designation this past month of those new national monuments—Mojave Trails, Sand to Snow, and Castle Mountain—was a major milestone in our efforts to protect the desert. But, due to limitations under the Antiquities Act, the President's executive action left out several key parts of our desert bill from 2015. These remaining provisions were vital to many of the groups and organizations that came together to support our bill in 2015.

I made a commitment to those groups to enact the entire bill, not just parts of the bill. And I intend to fulfill that promise. The remaining provisions included in today's legislation do the following: enhance recreational opportunities by establishing 142,000 acres of permanent Off-Highway Vehicle recreation areas; further expand wilderness areas in the desert, by designating five additional wilderness areas that cover 230,000 acres of land near Fort Irwin; ensure clean and free-flowing rivers, through the designation of 77 miles of rivers as Wild and Scenic Rivers; add to our national parks, by expanding Death Valley National Park Wilderness by 39,000 acres and Joshua Tree National Park by 4,500 acres; expand National Scenic Areas, by adding 18,610 acres to the Alabama Hills National Scenic Area in Inyo County; protect important cultural resources, by requiring the Department of the Interior to protect petroglyphs and other cultural resources in San Bernardino and Imperial County; and, facilitate renewable energy development in a way that protects delicate habitat.

I want to be very clear: I intend to continue to work with my colleagues in the Senate and House to advance this important bill and the wilderness protections, national park additions, recreation area designations and other renewable energy provisions that were not implemented through the Antiquities Act.

This legislation balances the many competing uses for public lands across the California desert: It protects fragile ecosystems and significant cultural resources, provides for increased recreational opportunities, and encourages sensible renewable energy development. This current bill includes all of the carefully negotiated provisions from the bill I introduced in February, minus the three monuments.

This bill reflects our attempt to achieve consensus among the competing uses of desert land and the many stakeholders involved, including environmental groups, State and local governments, the off-road community, cattle ranchers, mining interests, the Defense Department, energy companies, California's public utility companies, and many others.

As a result of the general public's robust participation, we have put together a bipartisan proposal that charts a commonsense path forward for the California desert. We made a commitment to these stakeholders to enact

these commonsense solutions, and I intend to follow through on that promise.

I want to highlight some of the key provisions of this legislation:

By designating five new wilderness areas, this bill protects fragile desert ecosystems across 230,000 acres of wilderness near Fort Irwin. This includes 88,000 acres of Avawatz Mountains, 8,000-acre Great Falls Basin Wilderness, the 80,000-acre Soda Mountains Wilderness, and the 32,500-acre Death Valley Wilderness.

These proposed wilderness areas have something for everyone: Desert solitude; abundant hiking options and rock climbing routes; and horseback riding and hunting for those that wish to experience a truly remarkable backcountry experience.

This bill is more than just wilderness, however. It also designates four new wild and scenic rivers, totaling 77 miles in length. These rivers and creeks are important, and rare, riparian areas in the heart of the arid desert. This designation will ensure that those rivers and creeks remain clean and free-flowing and that their immediate environments are preserved. These beautiful waterways are Deep Creek and the Whitewater River in and near the San Bernardino National Forest, as well as the Amargosa River and Surprise Canyon Creek near Death Valley National Park.

Conserving pristine desert land such as this is most definitely in the interests of our country. The California desert is a very special place and it deserves to stay that way.

The legislation also provides permanent protection for five existing Off-Highway Vehicle Areas covering approximately 142,000 acres.

The bill also releases 126,000 acres of land from their existing wilderness study area designation in response to requests from local government and recreation users. This will allow the land to be made available for other purposes, including recreational off-highway vehicle use on designated routes. Although the President's recent executive action could not include these permanent protections, off-roads are a vital part of the coalition we put together. They deserve certainty about their future enjoyment of the land, just as conservationists now have certainty as a result of the monument designations. With this bill introduction, I renew my pledge to work closely with the off-road community.

We must also take into account another use of the desert land: renewable energy. And I believe that we can accomplish the twin aims of honoring our commitment to conservation and fulfilling California's pledge to develop a clean energy portfolio. Balancing conservation, development and other uses is possible, we just need to come up with the right solutions. Thankfully, some of these compromises are already in place.

By April 2009, solar and wind companies had proposed 28 projects to be included in the Mojave Trails National Monument, including sites on former Catellus lands intended for permanent conservation. I visited some of those sites at the time, including one particularly beautiful area known as the Broadwell Valley, where thousands of acres of pristine lands were proposed for development. Seeing it first hand, I quickly came to the conclusion that those lands were simply not the right place for renewable energy development.

Since then, 26 of the 28 applications have been withdrawn. Let me explain why this happened. First, the Energy and Interior Departments developed new solar energy zones. These zones allow projects to be developed on lands least likely to harm plant and wildlife species, and allow projects to be completed faster and with fewer conflicts. This is a smart compromise. Second, California has worked closely with Federal agencies to develop the Desert Renewable Energy Conservation Plan. This blueprint will help identify pristine lands that warrant protection and direct energy projects elsewhere. This is a fair balancing of priorities, and I think it provides a clear path forward.

The bill I am introducing also takes additional action to help promote responsible renewable energy development through state land exchanges. There are currently about 370,000 acres of isolated parcels of state lands spread across the California desert. These state-owned lands are largely unusable, due to their location inside Federal national parks, wilderness, monuments, and conservation areas. The bill addresses this problem by requiring the Department of the Interior to develop and implement a plan with the state to exchange these state lands for other BLM or General Services Administration owned property in the next ten years. By swapping state land that is often surrounded by wilderness and national parks for other federal land, these exchanges will provide California with sites for renewable energy production, recreation or other uses.

I strongly urge my colleagues in both the House and the Senate to take a hard look at this legislation. We have made great strides in the past twenty years to strike the right balance between desert conservation, recreational uses, and the development of our natural resources. I believe this legislation continues in that fine tradition. Built on a foundation of consensus and compromise, this legislation fulfills our promise to the next generation that they will have the same opportunities to indulge in the best the California desert has to offer.

I am hopeful this Congress will take this legislation up and move it forward. It's the right thing to do.

## AMENDMENTS SUBMITTED AND PROPOSED

**SA 3307.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

**SA 3308.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

**SA 3309.** Mr. PORTMAN (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

**SA 3310.** Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

**SA 3311.** Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3307.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

### SEC. 31. NATURAL GAS PRODUCTION, TREATMENT, MANAGEMENT, AND USE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end of the following:

#### “§4781. Natural gas production, treatment, management, and use, Fort Knox, Kentucky

“(a) AUTHORITY.—The Secretary of the Army (referred to in this section as the ‘Secretary’) may provide, by contract or otherwise, for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352).

“(b) LIMITATION ON USES.—Any natural gas produced pursuant to subsection (a)—

“(1) may only be used to support activities and operations at Fort Knox; and

“(2) may not be sold for use elsewhere.

“(c) OWNERSHIP OF FACILITIES.—The Secretary may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from a contractor in accordance with the terms of a contract or other agreement entered into pursuant to subsection (a).

“(d) NO APPLICATION ELSEWHERE.—

“(1) IN GENERAL.—The authority provided by this section applies only with respect to Fort Knox, Kentucky.

“(2) EFFECT OF SECTION.—Nothing in this section authorizes the production, treatment, management, or use of natural gas resources underlying any Department of Defense installation other than Fort Knox.

“(e) APPLICABILITY.—The authority of the Secretary under this section is effective beginning on August 2, 2007.”

(b) CLERICAL AMENDMENT.—The table of sections of chapter 449 of title 10, United

States Code, is amended by adding at the end the following:

“4781. Natural gas production, treatment, management, and use, Fort Knox, Kentucky.”

**SA 3308.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

### SEC. 31. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) PERMIT.—Section 3(b)(1) of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 516) is amended by striking “within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park”.

(b) TERMS AND CONDITIONS.—Section 3(c)(1) of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 516) is amended—

(1) in subparagraph (A), by inserting “and” after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(c) APPLICABLE LAW.—Section 3 of the Denali National Park Improvement Act (Public Law 113-33; 127 Stat. 515) is amended by adding at the end the following:

“(d) APPLICABLE LAW.—A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).”

**SA 3309.** Mr. PORTMAN (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

### SEC. 44. NATIONAL PARK CENTENNIAL.

(a) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by section 5001(a)), is amended by adding at the end the following:

#### “§104909. National Park Centennial Challenge Fund

“(a) PURPOSE.—The purpose of this section is to establish a fund in the Treasury—

“(1) to finance signature projects and programs to enhance the National Park System as the centennial of the National Park System approaches in 2016; and

“(2) to prepare the System for another century of conservation, preservation, and enjoyment.

“(b) DEFINITIONS.—In this section:

“(1) CHALLENGE FUND.—The term ‘Challenge Fund’ means the National Park Centennial Challenge Fund established by subsection (c)(1).

“(2) QUALIFIED DONATION.—The term ‘qualified donation’ means a cash donation or the pledge of a cash donation guaranteed by an irrevocable letter of credit to the Service



that the Secretary certifies is to be used for a signature project or program.

“(3) SIGNATURE PROJECT OR PROGRAM.—The term ‘signature project or program’ means any project or program identified by the Secretary as a project or program that would further the purposes of the System or any System unit.

“(c) NATIONAL PARK CENTENNIAL CHALLENGE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘National Park Centennial Challenge Fund’.

“(2) DEPOSITS.—The Challenge Fund shall consist of—

“(A) qualified donations that are transferred from the Service donation account, in accordance with subsection (e)(1); and

“(B) such amounts as are appropriated from the general fund of the Treasury, in accordance with subsection (e)(2).

“(3) AVAILABILITY.—Amounts in the Challenge Fund shall—

“(A) be available to the Secretary for signature projects and programs under this title, without further appropriation; and

“(B) remain available until expended.

“(d) SIGNATURE PROJECTS AND PROGRAMS.—

“(1) DEVELOPMENT OF LIST.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop a list of signature projects and programs eligible for funding from the Challenge Fund.

“(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives the list developed under paragraph (1).

“(3) UPDATES.—Subject to the notice requirements under paragraph (2), the Secretary may add any signature project or program to the list developed under paragraph (1).

“(e) DONATIONS AND MATCHING FEDERAL FUNDS.—

“(1) QUALIFIED DONATIONS.—The Secretary may transfer any qualified donations to the Challenge Fund.

“(2) MATCHING AMOUNT.—There is authorized to be appropriated to the Challenge Fund for each fiscal year through fiscal year 2020 an amount equal to the amount of qualified donations received for the fiscal year.

“(3) SOLICITATION.—Nothing in this section expands any authority of the Secretary, the Service, or any employee of the Service to receive or solicit donations.

“(f) REPORT TO CONGRESS.—The Secretary shall provide with the submission of the budget of the President to Congress for each fiscal year a report on the status and funding of the signature projects and programs.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code (as amended by section 5001(b)), is amended by inserting after the item relating to section 104908 the following:

“§104909. National Park Centennial Challenge Fund.”.

(b) SECOND CENTURY ENDOWMENT FOR THE NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subchapter II of chapter 1011 of title 54, United States Code, is amended by adding at the end the following:

“§101121. Second Century Endowment for the National Park System

“(a) IN GENERAL.—The National Park Foundation shall establish an endowment, to be known as the ‘Second Century Endowment for the National Park System’ (referred to in this section as the ‘Endowment’).

“(b) CAMPAIGN.—To further the mission of the Service, the National Park Foundation may undertake a campaign to fund the En-

dowment through gifts, devises, or bequests, in accordance with section 101113.

“(c) USE OF PROCEEDS.—

“(1) IN GENERAL.—On request of the Secretary, the National Park Foundation shall expend proceeds from the Endowment in accordance with projects and programs in furtherance of the mission of the Service, as identified by the Secretary.

“(2) MANAGEMENT.—The National Park Foundation shall manage the Endowment in a manner that ensures that annual expenditures as a percentage of the principal are consistent with Internal Revenue Service guidelines for endowments maintained for charitable purposes.

“(d) INVESTMENTS.—The National Park Foundation shall—

“(1) maintain the Endowment in an interest-bearing account; and

“(2) invest Endowment proceeds with the purpose of supporting and enriching the System in perpetuity.

“(e) REPORT.—Each year, the National Park Foundation shall make publicly available information on the amounts deposited into, and expended from, the Endowment.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101120 the following:

“§101121. Second Century Endowment for the National Park System.”.

(c) NATIONAL PARK SERVICE INTELLECTUAL PROPERTY PROTECTION.—

(1) IN GENERAL.—Chapter 1049 of title 54, United States Code (as amended by subsection (a)(1)), is amended by adding at the end the following:

“§ 104910. Intellectual property

“(a) DEFINITIONS.—In this section:

“(1) SERVICE EMBLEM.—

“(A) IN GENERAL.—The term ‘Service emblem’ means any word, phrase, insignia, logo, logotype, trademark, service mark, symbol, design, graphic, image, color, badge, uniform, or any combination of emblems used to identify the Service or a component of the System.

“(B) INCLUSIONS.—The term ‘Service emblem’ includes—

“(i) the Service name;

“(ii) an official System unit name;

“(iii) any other name used to identify a Service component or program; and

“(iv) the Arrowhead symbol.

“(2) SERVICE UNIFORM.—The term ‘Service uniform’ means any combination of apparel, accessories, or emblems, any distinctive clothing or other items of dress, or a representation of dress—

“(A) that is worn during the performance of official duties; and

“(B) that identifies the wearer as a Service employee.

“(b) PROHIBITED ACTS.—No person shall, without the written permission of the Secretary—

“(1) use any Service emblem or uniform, or any word, term, name, symbol or device or any combination of emblems to suggest any colorable likeness of the Service emblem or Service uniform in connection with goods or services in commerce if the use is likely to cause confusion, or to deceive the public into believing that the emblem or uniform is from or connected with the Service;

“(2) use any Service emblem or Service uniform or any word, term, name, symbol, device, or any combination of emblems or uniforms to suggest any likeness of the Service emblem or Service uniform in connection with goods or services in commerce in a manner reasonably calculated to convey the impression to the public that the goods or services are approved, endorsed, or authorized by the Service;

“(3) use in commerce any word, term, name, symbol, device or any combination of words, terms, names, symbols, or devices to suggest any likeness of the Service emblem or Service uniform in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the Service; or

“(4) knowingly make any false statement for the purpose of obtaining permission to use any Service emblem or Service uniform.”.

(2) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 104908 (as added by subsection (a)(2)) the following:

“§104910. Intellectual property.”.

(d) NATIONAL PARK SERVICE EDUCATION AND INTERPRETATION.—

(1) IN GENERAL.—Division A of subtitle I of title 54, United States Code, is amended by inserting after chapter 1007 the following:

“CHAPTER 1008—EDUCATION AND INTERPRETATION

“CHAPTER 1008—EDUCATION AND INTERPRETATION

“Sec.

“100801. Purposes.

“100802. Definitions.

“100803. Interpretation and education authority.

“100804. Interpretation and education evaluation and quality improvement.

“100805. Improved utilization of partners and volunteers in interpretation and education.

“§ 100801. Purposes

“The purposes of this chapter are—

“(1) to more effectively achieve the mission of the Service by providing clear authority and direction for interpretation and education programs that are carried out by the Service under separate authorities;

“(2) to ensure that the public encounters a variety of interpretive and educational opportunities and services during visits to System units;

“(3) to recognize that the Service provides lifelong learning opportunities and contributes to interdisciplinary learning in traditional and nontraditional educational settings;

“(4) to provide opportunities for all people to find relevance in the System; and

“(5) to strengthen public understanding of the natural and cultural heritage and the United States.

“§ 100802. Definitions

“In this chapter:

“(1) EDUCATION.—The term ‘education’ means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

“(2) INTERPRETATION.—The term ‘interpretation’ means—

“(A) providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

“(B) the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

“(3) RELATED AREA.—The term ‘related area’ means—

“(A) a component of the National Trails System;

“(B) a National Heritage Area; and

“(C) an affiliated area administered in connection with the System.

**§ 100803. Interpretation and education authority**

"The Secretary shall ensure that management of System units and related areas is enhanced by the availability and utilization of a broad program of the highest quality interpretation and education.

**§ 100804. Interpretation and education evaluation and quality improvement**

"The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that the programs—

"(1) adjust to the ways in which people learn and engage with the natural world and shared heritage as embodied in the System;

"(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

"(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

"(4) reflect current scientific and academic research, content, methods, and audience analysis.

**§ 100805. Improved utilization of partners and volunteers in interpretation and education**

"The Secretary may—

"(1) coordinate with System unit partners and volunteers in the delivery of quality programs and services to supplement the programs and services provided by the Service as part of a Long-Range Interpretive Plan for a System unit;

"(2) support interpretive partners by providing opportunities to participate in interpretive training; and

"(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs."

(2) CLERICAL AMENDMENT.—The table of chapters for division A of subtitle I of title 54, United States Code, is amended by inserting after the item relating to chapter 1007 the following:

"1008. Education and Interpretation 100801".

(e) PUBLIC LAND CORPS AMENDMENTS.—

(1) DEFINITIONS.—Section 203(10)(A) of the Public Lands Corps Act of 1993 (16 U.S.C. 1722(10)(A)) is amended by striking "25" and inserting "30".

(2) PARTICIPANTS.—Section 204(b) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(b)) is amended in the first sentence by striking "25" and inserting "30".

(3) HIRING.—Section 207(c)(2) of the Public Lands Corps Act of 1993 (16 U.S.C., 1726(c)(2)) is amended by striking "120 days" and inserting "2 years".

(f) VOLUNTEERS IN PARKS PROGRAM.—Section 102301(d) of title 54, United States Code, is amended—

(1) by striking "is" and inserting "are"; and

(2) by striking "not more than \$3,500,000" and inserting "such sums as are necessary".

(g) NATIONAL PARK FOUNDATION.—

(1) BOARD OF DIRECTORS.—Subchapter II of chapter 1011 of title 54, United States Code, is amended—

(A) in section 101112—

(i) by striking subsection (a) and inserting the following:

"(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members at least 6 private citizens of the United States appointed by the Secretary, with the Secretary and the Director serving as ex officio members of the Board."; and

(ii) by striking subsection (c) and inserting the following:

"(c) CHAIRMAN.—

"(1) SELECTION.—The Board shall select a Chairman of the Board from among the members of the Board.

"(2) TERM.—The Chairman of the Board shall serve for a 2-year term."; and

(iii) in section 101113(a)—

(I) by redesignating paragraph (2) as paragraph (3); and

(II) by inserting after paragraph (1) the following:

"(2) COORDINATION WITH SERVICE.—Activities of the National Park Foundation under paragraph (1) shall be undertaken after consultation with the Secretary to ensure the activities are consistent with the programs and policies of the Service."

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subchapter II of chapter 1011 of title 54, United States Code (as amended by subsection (b)(1)), is amended by adding at the end the following:

**§ 101122. Authorization of appropriations**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter \$25,000,000 for each of fiscal years 2016 through 2026.

"(b) USE OF APPROPRIATED FUNDS.—Amounts made available under subsection (a) shall be provided to the National Park Foundation for use for matching, on a 1-to-1 basis, contributions (including money, services, or property) made to the National Park Foundation.

"(c) PROHIBITION OF USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under subsection (a) shall be used by the National Park Foundation for administrative expenses of the National Park Foundation, including for salaries, travel and transportation expenses, and other overhead expenses."

(B) CLERICAL AMENDMENT.—The table of sections affected for title 54, United States Code, is amended by inserting after the item relating to section 101121 (as amended by subsection (b)(2)) the following:

"§101122. Authorization of appropriations."

**SA 3310.** Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IV, add the following:

**SEC. 44. CONVEYANCE OF FEDERAL LAND WITHIN THE SWAN LAKE HYDRO-ELECTRIC PROJECT BOUNDARY.**

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of Agriculture, shall—

(1) survey the exterior boundaries of the tract of Federal land within the project boundary of the Swan Lake Hydroelectric Project (FERC No. 2911) as generally depicted and labeled "Lost Creek" on the map entitled "Swan Lake Project Boundary—Lot 2" and dated February 1, 2016; and

(2) issue a patent to the State of Alaska for the tract described in paragraph (1) in accordance with—

(A) the survey authorized under paragraph (1);

(B) section 6(a) of the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508); and

(C) section 24 of the Federal Power Act (16 U.S.C. 818).

**SA 3311.** Mr. BOOZMAN (for himself, Mr. ALEXANDER, Mr. BLUNT, and Mr.

COTTON) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 23. REPORTING REQUIREMENT FOR CERTAIN TRANSMISSION INFRASTRUCTURE PROJECTS.**

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by adding at the end the following:

"(h) REPORTING REQUIREMENT.—Before carrying out a Project under subsection (a) or (b), the Secretary shall submit to Congress a report that—

"(1) describes the impact that the proposed Project would have on electricity rates;

"(2) demonstrates that the proposed Project meets the requirements of paragraphs (1) and (2) of subsection (a) and paragraphs (1) and (2) of subsection (b); and

"(3) includes a list of utilities that have entered into contracts for the purchase of power from the proposed Project.

"(i) DECISION.—The Secretary may not issue a decision on whether to carry out a Project under subsection (a) or (b) before the date that is 90 days after the date of submission of a report required under subsection (h)."

**NOTICE OF INTENT TO OBJECT TO PROCEEDING**

I, Senator JAMES LANKFORD, intend to object to proceeding to the nomination of John B. King, to be Secretary of Education; dated February 23, 2016.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON ARMED SERVICES**

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 23, 2016, at 9:30 a.m.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2016, at 9:45 a.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled "Passenger Rail: Opportunities and Challenges for the National Network."

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2016, at 2:30 p.m., in room SR-253 of the Russell Senate Office

Building to conduct a Subcommittee hearing entitled “Magnuson-Stevens Act at 40: Successes, Challenges, and the Path Forward.”

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining the Opioid Epidemic: Challenges and Opportunities.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., to conduct a hearing entitled “Review of the FY 2017 State Department Budget Request.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “ESSA Implementation in States and School Districts: Perspectives from Education Leaders.”

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

COMMITTEE ON THE JUDICIARY

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., in

room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?”

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on February 23, 2016, at 10 a.m., in room SR-418 of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. MORAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on February 23, 2016, at 2 p.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MORAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 23, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. MORAN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on February 23, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MORAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on February 23, 2016, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Mara Green-

berg and Colleen Zengotitabengoa, detailees on the Senate Judiciary Committee, be granted Senate floor privileges for the duration of the 114th Congress.

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

SIGNING AUTHORITY

Mr. DAINES. Mr. President, I ask unanimous consent that the junior Senator from Montana be authorized to sign duly-enrolled bills or joint resolutions on Tuesday, February 23.

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

ORDERS FOR WEDNESDAY,  
FEBRUARY 24, 2016

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 24; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, and notwithstanding the provisions of rule XXII, the Senate resume consideration of the Califf nomination postcloture; further, that at 11 a.m., the Senate vote on confirmation of the Califf nomination; further, that if confirmed, the motion to reconsider be considered made and laid upon the table, the President be notified of the Senate’s action, and upon disposition of the nomination, the Senate then resume legislative session with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. DAINES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, February 24, 2016, at 9:30 a.m.