

transition, long-term unemployment sustainment, which we will need to allow people to make this transition. Oh, by the way, as to those retirement benefits that are under huge pressure, we cannot help you. We have the Pension Benefit Guaranty Corporation, but that is so underwater. Sorry.

By the way, with natural phenomena—the floods that are coming—we are currently talking about a disaster relief bill. In this Chamber, we are all aware that our National Flood Insurance Program is in a deep hole. It is—no pun intended—underwater. Where are we going to get this money to pay for the obligations we have already put on our books for the National Flood Insurance Program? What are the cities and communities going to do when we say we don't have it anymore, that we gave the money away?

We are now facing very difficult situations—we know they are coming—with unavoidable costs. There is our national defense. We have to rebuild our nuclear triad, our submarines, our bomber fleets, our land-based systems. Over several years, that will be hundreds and hundreds of billions of dollars. We know we have to do it.

Instead of doing that, yesterday, we decided to give \$1.5 trillion or more in deficit spending to the wealthiest Americans and the wealthiest corporations. I don't think it makes good sense. I think working Americans and middle-class Americans understand that very well—in fact, better than we do, collectively. What they have done, essentially, and what they are saying to anyone who would ask is, this is a terrible piece of legislation. Why did Congress pass it?

That is a question that will reverberate throughout this year and next year and, unfortunately, I think, for a long time because it will take us time and effort and sacrifice and tough votes, as we had in the nineties and again in 2009 and beyond, to get back on track for working families.

I yield the floor.

THE PRESIDING OFFICER (Mr. BLUNT). The Senator from South Dakota.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR NO. 261

Mr. THUNE. Mr. President, I rise to voice my strong support for the nomination of Ronald Batory to be the Administrator of the Federal Railroad Administration at the Department of Transportation and to express my deep frustration that this noncontroversial, highly qualified nominee has been languishing in the Senate for over 4 months due to objections by a handful of Democrats over a parochial issue entirely unrelated to the nominee's qualifications.

The Commerce, Science, and Transportation Committee held a hearing on his nomination on July 26, 2017, and reported his nomination favorably out of

committee with a unanimous voice vote on August 2, 2017. At that time, not a single Senator on the committee, Republican or Democrat, expressed any doubt about Mr. Batory's extensive expertise on rail safety issues.

Mr. Batory has over 45 years of experience in the railroad industry, in both management and operational positions, and he is a respected leader in driving organizational change and, most importantly, in advancing safety improvements. In fact, Railway Age called him noncontroversial and said: "He is the best-qualified person to be the Federal Railroad Administrator in a very long time, perhaps in the agency's history."

Yet, despite his unanimous approval from the committee, he has been blocked from assuming his leadership duties at this important safety regulatory agency. The FRA has critical safety decisions to make on a daily basis, and the agency needs strong strategic direction and management on time-sensitive safety issues. A senior adviser, which is Mr. Batory's current role at the DOT, does not have the same legal authority or ability to lead an agency as does a Senate-confirmed Administrator.

It is time to stop hamstringing Mr. Batory and get him confirmed so he can operate at full capacity. Unfortunately, it appears that we will not be able to do that without, once again, engaging in the cloture process on a noncontroversial nominee. This takes up valuable floor time that could be spent on other priorities. Yet it will, undoubtedly, still lead to his being confirmed by a large, bipartisan majority of the Senate. This pattern of obstruction—burning up a week or more of time to confirm two or three nominees who end up with overwhelming cloture and confirmation votes—must end.

The Batory nomination is also significant for another reason. Earlier this week, we saw the terrible tragedy of the Amtrak Cascades 501 derailment in Washington. Our heartfelt thoughts and prayers are with all of those affected, especially during this holiday season. As the NTSB continues its ongoing investigation, we will learn more about the causes of this derailment and the measures that might have prevented it.

To be clear, the tragic events of this week were not caused by a vacancy at the helm of the FRA, but the Senate must act now to install a leader at this agency to advance any safety solutions and oversight found to be needed as a result of the accident.

To date, much of the discussion surrounding this accident has been focused on positive train control or what we call PTC. While it is still early to know what, if any, impact PTC would have had on this accident, I could not agree more with the Democratic leader who earlier this week said: "We need Positive Train Control." He went on to say: "The Federal Department of Transportation is not pushing Federal PTC hard enough."

If he truly believes the DOT needs to do more, why is he, along with a few of his colleagues, standing in the way of Mr. Batory's nomination? After all, Congress has tasked the FRA Administrator with providing the oversight and strong push that will be needed to ensure railroads meet next year's December 31, 2018, deadline for full PTC installation and training.

Make no mistake, a strong push is what many passenger railroads need. According to the FRA's latest quarterly progress report for passenger railroads, only 50 percent of locomotives are equipped and PTC operable; 64 percent of required PTC radio towers are installed; and only 24 percent of required route miles are in operation.

The Commerce, Science, and Transportation Committee expects to continue to play its role in conducting strong oversight of PTC implementation, including holding a hearing in 2018. However, what I do not expect the Commerce, Science, and Transportation Committee to do is to grant any further change to the PTC deadline framework that is established in current law. That is why we need Mr. Batory. When finally confirmed, he will play a significant role in pushing expeditious and successful PTC implementation.

This is not just the view of the Commerce, Science, and Transportation Committee, I might add, which, again, approved Mr. Batory, as I said earlier, unanimously, but also of the rail professionals who advance safety on the ground. The States for Passenger Rail Coalition, which consists of 25 State Departments of Transportation, wrote in July:

The issues facing the railroad industry today are significant, and it is vital that we have an experienced, capable and dedicated leader like Mr. Batory, who is willing to work with the states to make the improvements necessary to build a national rail system with an emphasis on increasing mobility and reliability, while enhancing safety and security now, and in the years to come.

Likewise, rail labor—representing conductors and communication workers—and other industry groups urged the Senate to proceed to Mr. Batory's nomination "as soon as possible," stressing "the importance of having Mr. Batory's expertise and leadership at the agency responsible for railroad safety."

That letter was written in September. It is now December. There is no reason for this delay.

Mr. President, I ask unanimous consent that both of these letters be printed in the RECORD.

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

SEPTEMBER 15, 2017.

Senator MCCONNELL,  
Senate Majority Leader,  
Washington, DC.  
Senator SCHUMER,  
Senate Minority Leader,  
Washington, DC.

DEAR REPUBLICAN LEADER MCCONNELL AND DEMOCRATIC LEADER SCHUMER: As rail industry stakeholders, we write to support the nomination of Ronald Batory for Federal

Railroad Administrator. We urge the Senate to proceed to Mr. Batory's nomination as soon as possible.

Mr. Batory's nomination was announced in July, unanimously approved and reported by the Senate Commerce Committee in August, and now awaits action on the Senate floor. Mr. Batory is eminently qualified to be FRA Administrator and we believe he will have considerable bipartisan Member support once the Senate turns to his nomination.

We ask that his nomination be considered soon by the full Senate, in light of the importance of having Mr. Batory's expertise and leadership at the agency responsible for railroad safety.

Thank you for considering our views on this important matter.

Association of American Railroads (AAR); BNSF Railway; Canadian National Railway; Canadian Pacific Railway; CSX Transportation; Kansas City Southern Railroad; Norfolk Southern Railway; Union Pacific Railroad; American Short Line and Regional Railroad Association (ASLRRA); International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART); Transportation Communications Union/IAM.

National Association of Railroad Passengers (NARP); National Railroad Construction & Maintenance Association (NRC); Railway Engineering-Maintenance Suppliers Association (REMSA); Railway Supply Institute (RSI); States for Passenger Rail Coalition (SPRC); American Association of Private Railroad Car Owners (AAPRCO); AECOM; GE Transportation; Progress Rail Services; Siemens.

JULY 19, 2017.

Hon. JOHN THUNE,  
*Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

Hon. BILL NELSON,  
*Ranking Member, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN THUNE AND RANKING MEMBER NELSON: On behalf of the States for Passenger Rail Coalition, Inc (SPRC), I write in support of the confirmation of Ronald L. Batory as Administrator of the Federal Railroad Administration (FRA) for the United States Department of Transportation (USDOT).

The SPRC's mission is to promote the research, development, implementation, operation, sustainability, and expansion of publicly supported intercity passenger rail services. On behalf of its membership representing 25 state departments of transportation and passenger rail authorities, SPRC advocates for ongoing federal funding and programmatic support for intercity passenger rail initiatives, including efforts to improve safety on our nation's rail system and at highway-rail at-grade crossings.

We are impressed with Mr. Batory's extensive experience in the railroad industry and appreciate his plan to improve communications within the agency, and we encourage him to collaborate closely with public and private stakeholders to achieve policy goals. We are especially encouraged by his reputation as a good listener with a sound analytical approach. We commend his affirmation of the need for the FRA to move to performance-based rulemaking and fact-based policy making. Focusing upon these two objectives will strengthen the role of the states in promoting the development of a safe, reliable and efficient vibrant national network of freight and passenger rail services.

We ask that the Committee act speedily to confirm Mr. Batory. The issues facing the railroad industry today are significant, and it is vital that we have an experienced, capa-

ble and dedicated leader like Mr. Batory, who is willing to work with the states to make the improvements necessary to build a national rail system with an emphasis on increasing mobility and reliability, while enhancing safety and security now, and in the years to come.

Sincerely,

PAUL C. WORLEY, *CPM, Chair,*  
*States for Passenger Rail Coalition, Inc.*

Mr. THUNE. Mr. President, we have had an immensely qualified leader, Ronald Batory, ready to lead an important safety agency for over 4 months. The time for playing political games with the leadership of this railroad safety agency should be over. It is long past time that my Democratic colleagues end the obstruction, and this body must confirm Ronald Batory.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 261, Ronald Batory. I further ask that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I am kind of beyond words to explain why we are objecting to someone who was unanimously approved out of the committee, is highly qualified, noncontroversial, and would run an incredibly important safety agency in this country. I just don't have words to explain what that objection might be.

I hope this is the last time the Democrats in the Senate will object to getting this important position filled with an individual who comes highly regarded, highly qualified, and has gone through the entire process—answered all of the questions through his confirmation—and is ready now for a final vote in the U.S. Senate, which would allow him to get the job and to get about the important work of ensuring that there is safety on the railroads in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### OPIOID CRISIS

Mr. DONNELLY. Mr. President, at some point this evening, we expect the House of Representatives to send the Senate a bill that would keep the Federal Government open for another few weeks before our heading home for Christmas. For most families, the holidays are an opportunity to take a break away from our busy lives and enjoy time with the people we love. It is safe to say, however, that will not be the case for tens of thousands of American families who have lost a loved one this year due to a drug overdose.

The Centers for Disease Control and Prevention released two important new reports this week. First, they found that life expectancy decreased in the United States for the second year in a row. Second, the likely cause of that decrease in 2016 is that over 63,000 people died of drug overdoses. That is more than 144 deaths per day, and it is a 21-percent increase from 2015.

This is a crisis. People are dying in communities across this country every single day. Congress must do much more to address this scourge. Here in Washington, we have talked at length about the massive size and scope of the problem.

Last year, we passed bipartisan legislation that was signed into law and is providing our local communities with more tools to fight the epidemic, and we approved initial funding to begin to support these and other efforts.

I was proud to help bring nearly \$11 million of that funding to Indiana. Earlier this fall, the President rightly declared the opioid abuse epidemic to be a nationwide public health emergency. On the frontlines, in places like my home State of Indiana, however, the battle is raging. Despite a unified response, there is more work to do.

Our Governor, Governor Holcomb, has made the fight against opioid abuse the priority it needs to be. He and his administration are working closely with local communities to provide resources and support. Together, we have engaged our healthcare providers—both public and private—the business community, our educators, and the clergy who are all committed to this cause. Yet the message I continue to hear from people on the ground is, we need more resources and we need to expand treatment capabilities as soon as possible.

We all know this is not a partisan issue. Over the last few years, I have been honored to work with seven of my Republican colleagues to introduce seven bills and amendments that address everything from prescribing practices to the shortage of addiction treatment professionals, and many of these ideas have already been signed into law.

I am partnering with my State's Republican Governor to make sure we do everything in our power to help those who are battling with addiction, but it is not enough unless we provide our communities with the resources they are asking for and they need.

This is the time of year that many Americans reflect on the year that has passed and identify the priorities in the years to come. In Congress, we need to do the same. More than 63,000 Americans died last year from opioid abuse. Those are 63,000 moms and dads, brothers and sisters, husbands and wives, sons and daughters who are not with us this year. We must make this issue a priority.

I hope Congress will demonstrate to the American people that fighting the opioid epidemic is a priority. One way