

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL P. BOTTICELLI TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

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

The bill clerk read the nomination of Michael P. Botticelli, of the District of Columbia, to be Director of National Drug Control Policy.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. LEAHY. Mr. President, Millions of American families are struggling with an unrelenting addiction to controlled substances. This is nothing new and that is the unfortunate part about it. But after decades of taking the wrong path toward treating drug abuse, it appears that we are finally in the midst of a fundamental shift in the way we are going to focus and approach this issue.

For years we simply considered drug abuse as a crime, to be dealt with by police, prosecutors, and prisons. There is now, however, a near consensus that addiction must be viewed as a public health issue. This requires coordinated investments in prevention and treatment. Law enforcement agencies would rather not arrest the same offenders over and over without dealing with the underlying addiction. Treating that addiction—rather than just punishing the addict—is often the more effective, more humane, and less costly approach.

There is perhaps no greater advocate for this shift in thinking than Michael Botticelli. Throughout his career in public health he has worked to bridge gaps between law enforcement, health care, and education providers. As acting director for the Office of National Drug Control Policy, ONDCP, he has made clear that we cannot “incarcerate addiction out of people.” While

law enforcement will always play a vital role in protecting citizens from drug-related crime, Mr. Botticelli recognizes that addiction is a disease—one that can be successfully prevented and treated using the same evidence-based approach we use for other public health challenges.

Mr. Botticelli's nomination was reported out of the Senate Judiciary Committee unanimously by voice vote last year and again last week. I am pleased that he continued to receive strong, bipartisan support from the full Senate here today. As director of ONDCP, Mr. Botticelli will help to coordinate drug-control activities across the Federal Government. This includes critical efforts such as administering funding for Drug-Free Communities grants and High Intensity Drug Trafficking Areas. It is no small task. Just last week, the President requested over \$12 billion for demand reduction programs. This represents the largest commitment to treating and preventing drug addiction in our Nation's history, and it is badly needed.

Much of the country is now confronting a rising challenge: addiction to heroin and powerful painkillers. My home State of Vermont has not been spared, and it has attracted much attention for its struggles with opioid abuse. In fact, the film “The Hungry Heart” provides a powerful portrayal of the damage this addiction has inflicted on Vermont families. I was honored to host a screening of this moving film with Michael Botticelli last May.

However in many ways, Vermont is ahead of the Nation. We in Vermont long ago recognized the problem and began developing new approaches to address it. Dedicated Vermonters working in the traditional roles of prevention, treatment, and law enforcement came together around common goals and shared strategies. These community partnerships have produced innovative and successful programs such as the Rapid Intervention Community Court in Burlington, and Project VISION in Rutland. Last year, the Judiciary Committee held a hearing in Vermont on this issue. As a lifelong Vermonter, what hit me is how everybody came together for this hearing—Republicans, Democrats, Independents, law enforcement, defense counsels, clergy, teachers, medical professionals, parents and often those who have been abusers. We all realize there is no single answer, but we can do it better than we have for decades.

First responders are saving the lives of addicts throughout the State by carrying naloxone. This will save their life instead of some who would die of an overdose. Evidence-based prevention and treatment services have been extended to all corners of Vermont, and barriers to recovery have been significantly reduced. That is the most important part.

These are all strategies that the ONDCP promotes. Mr. Botticelli understands that success requires an in-

creased commitment to early intervention and education, treatment, and smart criminal justice policies. While the scope of the challenge is immense, Mr. Botticelli has us going in the right direction. Having listened to him, having talked to him, I am really hopeful he will help get us ahead of addiction, and help end the misery it inflicts on individuals, families, and our communities. I urge my fellow Senators to vote for his immediate confirmation.

Mrs. FEINSTEIN. Mr. President, I wish to express my strong support for Michael Botticelli as nominee to be the Director of the Office of National Drug Control Policy.

Mr. Botticelli has more than two decades of experience supporting those who have been affected by substance use and abuse.

Prior to joining the Office of National Drug Control Policy in 2012, when he was confirmed as the Deputy Director, Mr. Botticelli served as the director of the Bureau of Substance Abuse Services at the Massachusetts Department of Public Health.

While there, he expanded prevention, treatment, and recovery services, and worked to implement evidence-based programs, including a youth treatment system, early intervention and treatment programs, and overdose prevention programs.

During Mr. Botticelli's tenure as director of the Bureau of Substance Abuse Services, he confronted the issues of heroin and prescription drug abuse head-on and worked to ensure that police officers in Quincy, MA were trained and equipped to resuscitate overdose victims using naloxone, an emergency opioid overdose reversal medication.

Since October 2010, Quincy police officers have administered naloxone 220 times, almost always resulting in successful overdose reversal. This program has been replicated in communities throughout the country.

As chairman of the Senate Caucus on International Narcotics Control, I had the opportunity to work closely with Mr. Botticelli during his time as Deputy Director and Acting Director of the Office of National Drug Control Policy.

Most recently, Mr. Botticelli testified at a hearing I chaired to address America's addiction to prescription opioids and heroin, where he emphasized the need for increased prescriber education to reduce prescription drug abuse and expanded access to naloxone nationwide.

In addition, Mr. Botticelli has committed to working with my office to address the import, manufacture, and distribution of dangerous synthetic drugs, which take far too many lives, far too early. At a previous hearing on the topic, he provided valuable insight into the threat that synthetic drugs pose and it is my hope that we can continue to work together as the Senate considers legislation to address this threat.

Mr. Botticelli has also been very clear about the fact that marijuana remains illegal under the Federal Controlled Substances Act, and has done much to disavow the notion that marijuana is harmless.

As a person in recovery himself, Mr. Botticelli brings a unique perspective to the Office of National Drug Control Policy. I believe this perspective will enable him to successfully implement a national drug control strategy that recognizes the need for both supply and demand reduction and appropriately incorporates an effective public health approach that is coupled with law enforcement efforts.

I look forward to continuing to work with Mr. Botticelli as he leads the Office of National Drug Control Policy in implementing a whole of government approach to combatting illegal and illicit drug use.

I believe Michael Botticelli will serve with distinction as the Director of the Office of National Drug Control Policy, and I urge my colleagues to confirm his nomination.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michael P. Botticelli, of the District of Columbia, to be Director of National Drug Control Policy?

Mr. ENZI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—92

Alexander	Blunt	Cantwell
Ayotte	Booker	Capito
Baldwin	Boozman	Cardin
Barrasso	Boxer	Carper
Bennet	Brown	Casey
Blumenthal	Burr	Cassidy

Coats	Hirono	Portman
Collins	Inhofe	Reed
Cooms	Isakson	Reid
Corker	Johnson	Risch
Cornyn	Kaine	Rounds
Cotton	King	Rubio
Crapo	Kirk	Sanders
Cruz	Klobuchar	Sasse
Daines	Lankford	Schatz
Donnelly	Leahy	Schumer
Durbin	Lee	Scott
Enzi	Manchin	Sessions
Ernst	Markey	Shaheen
Feinstein	McCaskill	Shelby
Fischer	McConnell	Stabenow
Flake	Menendez	Sullivan
Franken	Merkley	Tester
Gardner	Mikulski	Thune
Gillibrand	Murkowski	Tillis
Graham	Murphy	Udall
Grassley	Murray	Warner
Hatch	Nelson	Warren
Heinrich	Paul	Whitehouse
Heitkamp	Perdue	Wyden
Heller	Peters	

NOT VOTING—8

Cochran	Moran	Vitter
Hoeben	Roberts	Wicker
McCain	Toomey	

The nomination was confirmed.  
The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.  
The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. 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.

CELEBRATING THE LUNAR NEW YEAR

Mr. REID. Mr. President, I rise today in celebration of the Lunar New Year, an important and festive holiday for people of Asian and Pacific Islander heritage around the world. Lunar New Year celebrations not only sustain important cultural traditions that have been practiced for centuries, but also provide a moment to reflect upon the many contributions made by the Asian and Pacific Islander community in Nevada and across the globe.

In my home State of Nevada, the Asian American community is among the fastest growing in the United States. From 2000 to 2010, the Asian American population in Nevada more than doubled. Chinese Americans, Asian Americans, and Pacific Islanders have greatly enriched Nevada's history and culture, and I am pleased to stand today in recognition of these communities as they prepare for the upcoming festivities.

This year, families and communities in Nevada and across the world will welcome the Year of the Sheep, and I

offer my warmest wishes for peace and prosperity in the coming year.

WHO'S THE BOSS? THE "JOINT EMPLOYER" STANDARD, AMERICAN SMALL BUSINESSES AND EMPLOYMENT GROWTH

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at the Senate Health, Education, Labor and Pensions Committee hearing last week be printed in the RECORD.

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

WHO'S THE BOSS? THE "JOINT EMPLOYER" STANDARD, AMERICAN SMALL BUSINESSES AND EMPLOYMENT GROWTH

This morning we are having a hearing about who qualifies as a joint employer in the National Labor Relations Board's view.

This hearing this morning is about a pending National Labor Relations Board decision that could destroy a small business opportunity for more than 700,000 Americans. These men and women are franchisees. They operate health clubs, barber shops, auto parts shops, child care centers, neighborhood restaurants, music stores, cleaning services, and much more. They use the brand name of companies like Planet Fitness, Merry Maids or Panera Bread. They may work 12 hours a day serving customers, meeting a payroll, dealing with government regulations, paying taxes, and trying to make a profit.

We live at a time when Democrats and Republicans bemoan the fact that it's getting harder and harder to climb the economic ladder of success in our country. Successfully operating a franchise business is today one of the most important ways to do that. Why would the pending decision by the National Labor Relations Board threaten this very American way of life, knocking the ladder out from under hundreds of thousands of Americans? The board and its General Counsel are pursuing a change to what is called the "joint employer" standard. This standard, or test, has since 1984 required that for a business to be considered a joint employer, it must hold direct control over the terms and conditions of a worker's employment—to decide that, the NLRB looks at who hires and fires, sets work hours, picks uniforms, issues directions to employees, determines compensation, handles day to day supervision, and conducts recordkeeping.

Under the changes the NLRB is now considering, it would take just indirect control over the employees' terms and conditions of employment, or even unexercised potential to control working conditions, or where "industrial realities" otherwise made it essential to meaningful collective bargaining.

So what could this mean for these more than 700,000 franchisees and employers? These franchise companies will find it much more practical to own all their stores and restaurants and day care centers themselves. There will be many more company-owned outposts, rather than franchisee-owned small businesses.

Franchisees tell me they expect "franchisors would be compelled to try to establish control over staffing decisions and daily operations. . . . franchisees would lose their independence and become de facto employees of the franchisor."

This case doesn't just affect franchisees, it will affect every business that uses a subcontractor or contracts out for any service.