

Drug cases made up about one-third of our caseload, and I had an opportunity to see firsthand the devastating impacts of drug addiction.

Recent statistics have shown that almost half of all high school students have used addictive substances, and synthetic drugs are a growing problem in Minnesota and across the country. A recent survey of 15,000 Minnesota high school students found that 26 percent have used illegal drugs, and of that group, 12 percent have used synthetic drugs.

The problem with synthetic drugs, which we have realized as I have done events with law enforcement in places such as Fargo and in places such as the suburbs of Minneapolis, is that many times people who buy these synthetic drugs get much worse drugs than the actual substance. They get much harder-core drugs, much more difficult drugs—drugs that cause them to hallucinate and drugs that cause them to either kill themselves or to hurt others. That is why I have reintroduced bipartisan legislation with Senators GRAHAM, FEINSTEIN, and GRASSLEY that would make it easier to prosecute the sale and distribution of new synthetic drugs that are analogues—or substantially similar to current illegal drugs.

What we are looking at is the fact that the people who sell these drugs or manufacture them just keep changing a compound here or there so they can skirt the law. What we are trying to do with this bill is to make it easier to prosecute the new drugs that are substantially similar. The Supreme Court actually very recently issued a decision in *McFadden* focused on the mens rea standard in analogue drug cases.

My bill, the Synthetic Abuse and Labeling of Toxic Substances or SALTS Act is focused instead on the underlying factors for what makes something an analogue drug. Why do we need this new legislation? Because expert chemists are able to slightly alter the chemical makeup of synthetic drugs so they are no longer on the list of banned substances. To address this, current law provides the DEA with the mechanism to prosecute the sale and distribution of drugs that are analogues—analogue—that are substantially similar to controlled substances. However, the law specifically says that an analogue drug does not include any substance “not intended for human consumption.” This can be a big problem because synthetic drugs often are explicitly marked as “not intended for human consumption.” But manufacturers, distributors, sellers, and abusers of these substances all know exactly what to do with them—ingest them or snort them to get a dangerous and many times unpredictable high.

The SALTS Act amends the Controlled Substances Act to allow consideration of a number of factors when determining whether a controlled substance analogue was intended for human consumption, including looking at the marketing, advertising, and la-

beling of a substance and its known use. That is a much more honest way to look at what is actual consumption. You don’t just look at the fact that there is a label on it that says it because that is what the drug dealers do to protect themselves. Instead what you do is you look at what is actually going on here. You look at the marketing, advertising, and the labeling of a substance and its known use.

The bill also says the existence of some pieces of evidence that a substance was not marketed, advertised or labeled for human consumption should not stop prosecutors from being able to establish, based on all the evidence—the totality of the evidence—that the substance was, in fact, intended for human consumption.

New synthetic drugs constantly come onto the market. We need to give our law enforcement agencies the tools they need to combat them. This legislation will make it easier for prosecutors to demonstrate that a given synthetic drug is, in fact, intended for human consumption. We know that it is going on. We know that is why these guys are selling it over the Internet. They are trying to get around the law. They have actually been quite successful, causing many deaths, many people hurt, many people addicted.

So all this does is get to the facts. Is this really being used for human consumption or not? This legislation is going to make it easier for prosecutors to demonstrate with the totality of circumstances and not just the label that says it is not intended for human consumption—but looking at how it is sold, what it is used for, to make it easier to meet that standard. That is the only way we are going to go after these guys who are constantly changing the compounds to get around the law.

I would also like to take this opportunity to acknowledge the efforts, since we are talking about synthetic drugs, of the outgoing Administrator of the Drug Enforcement Administration, my fellow Minnesotan, Michelle Leonhart. Administrator Leonhart has had a long career in law enforcement, serving with the DEA since 1980 and as Administrator since 2010. She started her career back in Minnesota and has served in the DEA since, for a very long time, over 30 years.

I would especially like to thank the Administrator for her work on the prescription drug take-back issue. During her tenure, the DEA has coordinated a series of national events that have collected over 2,400 tons of unused prescription drugs—2,400 tons. That is, by the way, why we worked with the Administrator—Senator CORNYN and I—to develop legislation which passed to make it easier for take-out programs, to do them more routinely, but meanwhile 2,400 tons were collected. These events are critical in preventing drug abuse and overdoses and getting old medicines out of the cabinet where people who are not prescribed them

sometimes take them. I want to thank Administrator Leonhart for her law enforcement career.

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 senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam 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 PETER V. NEFFENGER TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY

NOMINATION OF DANIEL R. ELLIOTT III TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD

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

The senior assistant legislative clerk read the nominations of Peter V. Neffenger, of Ohio, to be an Assistant Secretary of Homeland Security; and Daniel R. Elliott III, of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2018.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate, equally divided in the usual form.

The Senator from Delaware.

Mr. CARPER. Madam President, I am delighted to serve on at least one committee with the Presiding Officer, and we have had the opportunity of late to have a number of folks come before us who have been nominated to serve. One of those is Coast Guard VADM Peter Neffenger, and I am delighted today to rise in strong support of Admiral Neffenger to serve as the Administrator of the Transportation Security Administration, affectionately known as TSA.

The women and men of TSA work in a very challenging environment to keep our aviation system and those of us who use it safe and secure. The mission is made all the more challenging by the two difficult and diametrically opposed tasks that we ask them to perform. On the one hand, we ask the TSA to screen some 1.8 million passengers and their luggage every day, 24 hours a day, 365 days a year, without allowing