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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, May 11, 2017, at 2 p.m.

Senate

TUESDAY, MAY 9, 2017

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

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Rev. Harold D. Mathena from Oklahoma City, OK.

The guest Chaplain offered the following prayer:

Our Father in Heaven, we bow before You in Jesus's Name to ask Your blessing upon this place, to ask Your blessing upon His people. What a joy it is to have access to the throne of God and be able to intervene on behalf of these.

We trust, Lord, in Jesus's Name that You would give Godly wisdom and discernment to the men and women who serve in this place. We ask You to give them an unusual power and ability to perform and to do the things that are pleasing to You.

We pray, Lord, that You sanctify every person in this room to salvation, that You would enlighten us, enable us to comprehend and know better the mind and heart of God.

Lord, we pray that You would convince us of our sin, of righteousness, and of judgment to come. We pray, Lord, that You would draw an imaginary circle—if we could do that—about this room and that You would get in this circle with us, empowering us and enabling us, equipping us, if You will, to do the work that You called us to do. This certainly isn't a difficult job; it is an impossible job, apart from Divine wisdom, Godly wisdom.

I trust, Lord, even now, that every person who is responsible for the leadership of this Nation would be under the guise and under the leadership of God. We thank You so much for all the blessings of life and for Your goodness to us.

I pray, Lord, even now that You will continue to bless America. In Jesus's Name we pray. 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. SASSE). The majority leader is recognized.

NOMINATION OF SCOTT GOTTLIEB

Mr. McCONNELL. Mr. President, the heroin and prescription opioid epidemic is taking a heartbreaking toll on families and communities across our country. Experts estimate that as many as 2 million Americans are struggling with prescription drug addiction, with heroin and opioid overdoses claiming an average of 91 lives every day.

We continue to read the devastating headlines, too, like one article published by CNN entitled "A Generation

of Heroin Orphans." It told the story of five Kentucky children living with their grandparents due to their mother's addiction. Sadly, this family is not unique. Nearly 3 million grandparents or other relatives across the country are caring for grandchildren. According to experts, this uptick in children left without their parents is due, at least in part, to this epidemic. It is one of the many reasons the heroin and prescription opioid crisis requires continued action.

Americans across the country—law enforcement, nurses, family members, and many others—have dedicated themselves to reversing this crisis. Congress has taken significant steps to combat this growing problem on a bipartisan basis. Through legislation like the Comprehensive Addiction and Recovery Act, CARA, and the 21st century cures bill, we authorized important ways to help fight the opioid epidemic through things like expanded education and prevention initiatives, improved treatment programs, and we bolstered law enforcement efforts. Implementation of these initiatives is already helping to tackle this crisis.

I was proud to support these pieces of legislation because I knew they could make a real impact in the fight against opioid abuse, and they are. We were able to take another positive step just last week. Congress passed an important piece of funding legislation, now law, that is helping advance and support many of the programs Congress authorized in CARA and the 21st century cures bill last year—programs that can advance medical innovation

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



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and promote research and treatment development.

That funding legislation dedicated significant new resources to the fight against the opioid epidemic. It helped fund groundbreaking research into the field of regenerative medicine. With its passage, Congress took one more critical step forward in the advancement of medical research and addiction treatment.

The Senate will soon have another opportunity to move ahead in the fight against this devastating disease by voting to confirm Dr. Scott Gottlieb to oversee the Food and Drug Administration.

The FDA plays a central role in the approval of new drug treatments and therapies. An important part of the 21st Century Cures Act provided an accelerated pathway for the FDA to approve regenerative medicines. I look forward to having a Commissioner like Dr. Gottlieb, who is committed to the development of groundbreaking medicines and treatments to combat serious illnesses.

Additionally, the FDA will continue to be a crucial partner as States like Kentucky continue their fight against the opioid epidemic. The FDA plays an important regulatory and oversight role in combating this crisis.

I have encouraged the agency to incentivize the approval of safer, more abuse-deterrent formulations of drugs, and I am glad when they have concurred. These types of constructive policy decisions show an FDA that is ready to join the fight against heart-breaking disease and opioid abuse, and I am proud to support that kind of rigorous oversight from the agency.

Dr. Gottlieb has the necessary experience to serve in this key role. Not only has he worked in hospitals, interacting directly with those affected by disease and treatment, but he has also developed and analyzed medical policies in both the public and private sectors. He formed his perspectives on the dynamic public health sector by overseeing medical research and innovation projects.

In 2005, Dr. Gottlieb was appointed the FDA's Deputy Commissioner for Medical and Scientific Affairs. He also has served as senior adviser to the FDA Commissioner and as the agency's Director of Medical Policy Development.

As a practicing physician with a wealth of policy experience, Dr. Gottlieb has the necessary qualifications to lead the FDA at this critical time. The Senate voted to advance his nomination last night on a bipartisan basis, and I look forward to his confirmation.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Gottlieb nomination, which the clerk will report.

The assistant bill clerk read the nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided in the usual form.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

RUSSIA INVESTIGATION

Mr. DURBIN. Mr. President, this weekend we saw a peaceful democratic election in France, one of our key Western allies in the bedrock of European stability after two terrible wars in the last century. What happened just before the Sunday election in France? There was a massive cyber attack on the leading candidate, the one who prevailed, Emmanuel Macron. Whom do experts suspect was behind this cyber attack trying to manipulate another Western election, trying to foster mistrust in that nation's democratic institutions? Not surprisingly, Russia.

Yet none of this should surprise anyone. Not only had Russia been subsidizing Mr. Macron's opponent, Marine Le Pen, who is seen as more sympathetic to Moscow, not to mention trying to interfere in Dutch and German elections as well, but we were warned about this by our own intelligence agencies 6 months ago.

In early October last year, the U.S. intelligence community detailed Russia's attack on America's election and warned us that other attacks would follow. During a recent trip to Eastern Europe, a Polish security expert warned me that if the United States didn't respond to an attack on its own Presidential election by the Russians, Putin would feel emboldened to keep up the attacks to undermine and manipulate elections all through the free world.

What has this administration and this Congress done to respond to the cyber act of war by the Russians against America's democracy? Has President Trump clearly acknowledged Russia's attack on the U.S. and forcefully condemned the actions? No. Has President Trump warned Russia to stop meddling in the United States and other democratic elections in France, Germany, and other countries? No. Has President Trump proposed a plan to help the United States thwart any future attack on the next election and to help our States protect the integrity of

their voting systems? No. Has the Republican-led Congress passed sanctions on Russia in response to this attack on our democracy? Has it passed meaningful cyber security legislation? No.

Quite simply, the failure of this President and Congress to address the security threat is a stunning abdication of responsibility to protect the United States and our democratic values.

As if the conclusions of 17 U.S. intelligence agencies weren't enough to raise concerns, let's review what emerged just over the recent April recess. For example, Reuters reported that a Russian Government think tank, controlled by Russian dictator Vladimir Putin, developed a plan to swing our 2016 Presidential election to Donald Trump and undermine voters' faith in our electoral system.

The institute, run by a retired senior Russian foreign intelligence official, appointed by Putin, released two key reports, one in June and one in October of last year.

In the first, it argued that "the Kremlin launch a propaganda campaign on social media and Russian state-backed global news outlets to encourage US voters to elect a president who would take a softer line toward Russia than the administration of then-President Obama."

The second warning said:

[P]residential candidate Hillary Clinton was likely to win the election. For that reason, it argued, it was better for Russia to end its pro-Trump propaganda and instead intensify its messaging about voter fraud to undermine the US electoral system's legitimacy and damage Clinton's reputation in an effort to undermine her presidency.

It was also recently disclosed that the FBI obtained a Foreign Intelligence Surveillance Court warrant to monitor the communications of former Trump campaign foreign policy adviser Carter Page on the suspicion that he was a Russian agent. Add this to the ever-growing list of suspicious relationships between those in the Trump circle and Russia, from Michael Flynn to Paul Manafort, to Roger Stone, to Felix Sater.

In fact, just last month, the Republican House Intelligence Committee chair, JASON CHAFFETZ, and the ranking Democratic member, ELIJAH CUMMINGS, said General Flynn may have broken the law by failing to disclose on his security clearance forms payments of more than \$65,000 from companies linked to Russia. Yet, incredibly, the White House continues to stonewall requests for documents related to General Flynn.

White House ethics lawyer during the George Bush administration, Richard Painter, wrote of this stonewalling: "US House must subpoena the docs. . . . Zero tolerance for WH [White House] covering up foreign payoffs."

Is it any wonder why, in recent testimony to Congress, FBI Director Comey acknowledged an investigation of Russian interference in our election, which