

To begin with, I have spent 40 years of my life in the Senate fighting the scourge of drug abuse. I stood side by side with Ronald Reagan in the War on Drugs. In 2000, I coauthored the Drug Addiction Treatment Act, or DATA 2000, one of the first efforts in Congress to address the opioid epidemic. Last year, I led conference negotiations on the Comprehensive Addiction Recovery Act, a landmark piece of legislation that is making a real difference in the fight against opioid and heroin abuse. Currently, I am working on legislation to address opioid addiction in the veteran community. I am no patsy when it comes to drug abuse—prescription or otherwise—and neither are my colleagues.

Indeed, forget me for a moment. Let's take Senator WHITEHOUSE, who helped me negotiate the bill with DEA and DOJ. Are we to believe that Senator WHITEHOUSE, a former Rhode Island attorney general and a former U.S. attorney, a crusader against corporate interests, is somehow in the pocket of the drug companies? Of course not. The charge is laughable on its face.

How about the fact that this bill passed both Houses of Congress by unanimous consent? Did the entire U.S. Congress decide to shield its eyes to the true sinister intent of this legislation? Did the Senate Judiciary Committee, which approved the bill by voice vote, decide to look the other way? This is a committee that includes former prosecutors, state attorneys general, and U.S. attorneys who, at the time, included both the current Attorney General of the United States and the current Senate minority leader.

Are we seriously to believe that Jeff Sessions, the toughest foe of illegal drugs I have ever known in my entire life, sat on his hands while Congress eviscerated the DEA's enforcement authority? No, of course not.

To merely state these allegations is to make clear how utterly ridiculous they really are. Not one Senator or Member of the House opposed this bill. Do you know why? Because DEA, the very agency the bill impacts, the very agency that supposedly can no longer do its job because of this legislation, agreed to let it go forward.

Let me be clear. The DEA could have stopped this bill. They could have stopped it at any time. In fact, they did stop a previous version in 2014 that had different language. I spent months negotiating with DEA and with DOJ until they were at a point they were comfortable allowing the bill to proceed. If they had asked me to hold the bill or to continue negotiations, I would have done so.

I brought the bill to markup only after DEA and DOJ agreed with me on a path forward. Anyone who claims that I or anyone else steamrolled DEA and DOJ on this bill is either ignorant or woefully misinformed.

That brings me to another point that was largely lost in all the insinuations

in the Washington Post article. The language that purportedly eviscerated DEA's enforcement power—that is, the requirement that the DEA show a substantial likelihood of immediate threat before issuing an immediate suspension order—was written by DEA and DOJ lawyers and provided to Hill staff as a proposed compromise.

So let's get this straight. Congress took language that DEA and DOJ wrote, inserted it into the bill, and now Congress is the bad guy? I should note that other aspects of DEA and DOJ's proposed language changed, but that key phrase “substantial likelihood of an immediate threat”—the phrase that critics now point to as gutting DEA's enforcement authority—came from DEA and DOJ. And lest we forget, President Obama signed the bill into law on the advice of his own DEA Administrator.

I think we need to be candid about what is going on here. Opponents of the current administration are trying to derail the President's nominee to be head of the Office of National Drug Control Policy, Representative TOM MARINO, by mischaracterizing and trying to rewrite the history of a bill that he championed. They are being aided in their efforts by a group of former DEA employees who took an extremely hard line against drug companies when they were at the Agency and who are upset that the DEA chose to pursue a more collaborative approach after they left. I don't fault these individuals for their passion, but I do reject the notion that there was some sort of sinister conspiracy at play. And I find it unconscionable that critics of the bill and of Representative MARINO would flat-out ignore the very real patient concerns that motivated this bill and motivated my personal involvement with it. You think this bill was a sop to the drug industry? Tell that to the Fibromyalgia and Chronic Pain Network. Tell that to the American Academy of Pain Management. Tell that to the Drug Free America Foundation.

If we are going to make this bill a political football and try to use it to sink Representative MARINO's nomination, let's tell the full story. Let's be fair. Let's at least be honest. Let's not gin up a one-sided narrative based entirely on the statements of former Agency officials who disagreed with the change of leadership.

No matter how you try to spin it, this is not the latest episode of “House of Cards.” Rather, let's be clear that Members of this body negotiated this bill in good faith with the DEA and the Department of Justice. Let's be clear—the DEA and DOJ themselves generated the language that critics now claim is so problematic. Let's remember that this bill passed by unanimous consent and that every single Member of this body and the House of Representatives agreed to it. Let's remember, too, that the DEA and DOJ could have stopped this bill at any time if they had wanted to but instead chose

to allow it to proceed. After all, they stopped an earlier version in 2014 that had different language. They could have stopped it again. And even after the bill passed Congress, they could have advised President Obama not to sign on. Don't forget that the bill bears his signature. Let's not pretend that DEA, both Houses of Congress, and the Obama White House all somehow wilted under Representative MARINO's nefarious influences.

Provocative headlines and clever framing may drive page hits, but this body's decisions should be based on the full story. It should be based on all the facts. A single news article that tells only one side of the story should not derail a nominee who has a long history of fighting illegal drug use and of helping individuals with chronic conditions obtain treatment. Let's not ignore the full story here in the rush toward easy politics.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### PUERTO RICO RECOVERY EFFORT

Mr. NELSON. Madam President, I want to talk about a matter of life and death. It is happening, as we speak, in Puerto Rico. I went there yesterday. I didn't want to have a flyover of the island, but at the invitation of Governor Rosselló, I got into a helicopter so that I could get up into the mountains and into the areas that have been closed because people hadn't been able to get there on the roads. That is what I wanted to see.

We have had colleagues come back and, because of a flyover in a helicopter, say that they say don't see a lot of damage. Of course not, because they are flying over parts of towns in which most of the structures are concrete blocks. But if you get down there on the ground and go into the structure, then you will see a different story.

First of all, you will smell a different story because the water has accumulated, and now it is turning to mold and mildew—inhabitable conditions. But when you get up into the mountains, you see the places that were cut off. Not until a week ago did they have the roads cleared so that people could get up there. And as we speak, as of yesterday, they are still reconstructing the roads so that people can get on these narrow, winding, little dirt roads that go up through the mountains. So for 2 and a half weeks, communities have been completely cut off, like the one that I saw yesterday, Utuado, which is way up in the mountains.

I want to show you some pictures, but I want you to realize that today is Monday. Next Wednesday will be 4 weeks since the hurricane hit. Can you imagine going into a State with 3.5 million people and 85 percent of the people do not have electricity? And by the way, these are our fellow American citizens; they are just in a territory. Can you imagine going into a State where a month after the hurricane, 50

percent of the people do not have potable water? It is an absolute outrage. And I don't think the American people realize what is happening.

Let me be your eyes by what I saw yesterday. This is a river bottom in the little town of Utuado. This side of the river is cut off from this side of the river because the one bridge washed out. If you look at this structure, the question is, How long is this going to last? It is tilting to the left. Any major rush of water is going to take out this section.

I want you to see how creative these people are. It is hard to see at this distance, but they erected a cable system going over to the other side. They took the basket of a grocery cart, took the wheels and handles off, and this is on a pulley, and these guys are pulling it over here and then they pull it back. This is how people on this side of the river are getting food and water and medicine if they can't walk across. This is how people are surviving. If this section of the bridge goes—and it is just a matter of time—they are going to try to hook up a cable over here at the top of this riverbank over to the top of this riverbank and do the same kind of pulley.

Here in the States, on the mainland, if something like this happened, the Corps of Engineers would be there. We would be rebuilding. The Department of Transportation would be rebuilding that bridge. These are our fellow American citizens, and they are going without.

Let me show you another picture. This is the bank of another river. Let me show you the result. This is what happened. You see this whole house right behind here. I will show you the church in a minute. I asked the pastor: Did the people survive? He said that one was trapped in the house. They were able to get that person out. The others had already fled. But you can see that with the force of the extra rain and the water coming down, houses like that are history.

Here is that same section of the river with the church in the background. The church survived. I talked to the pastor of the church. Here I am having a conversation with the people who live on this side. I asked the pastor whether he lost any parishioners. He did not. On the side of his church, he has a dish, and because he has a generator, he is the only person in this town who has any kind of communication—in this case, through the satellite dish for television. Everything else is being run on generators because there is no electricity. As you know, these generators are not powerful enough to run air-conditioners; therefore, the water accumulates. Mold and mildew start to accumulate, with all the health effects as a result of that.

Does this look like something we would have in this country, or does this look like a third world country? Do the images in these photographs bring to mind other Caribbean nations that we

have seen that have been devastated by earthquakes and hurricanes? Think about what happened to Haiti.

When people go to San Juan—by the way, 85 percent of San Juan is without power. You see these little pockets, and of course they are trying to get the generators going in the hospitals for obvious reasons. They need the generators to go to stations where people are getting their dialysis treatments. That is obvious. But what about the wear and tear on the generators and the replacements?

The Governor of Puerto Rico, Governor Rosselló, has a very ambitious schedule: He wants to restore 95 percent of power by the middle of December. I hope the Governor is right. It has been turned over to the Army Corps of Engineers to get the electrical grid and structures up and running. I am afraid it is going to be a lot longer. I asked for estimates on the immediate needs, especially rebuilding the grid. He said \$4 billion. Are we going to be able to get that for them?

What are going to be the ultimate needs of Puerto Rico? We just heard the Senator from Texas talk about his State and the estimates that you heard out of Texas being as much as \$100 billion. What about the needs of Puerto Rico? What about the needs of Florida? What about the needs of the Virgin Islands?

We have a supplemental coming up, but is that going to take care of the needs of all of those four areas that have been hit hard? If Texas is \$100 billion, a long-term fix for Puerto Rico may well be \$80 billion to \$90 billion. And who knows what it is going to be for Florida and the Virgin Islands. Therefore, are we in this Congress, with or without the leadership of the White House, going to have the stomach to help our fellow American citizens? I am sure we are going to help Texas, and I certainly hope we will help my State of Florida, but are we willing to help the American citizens in the Virgin Islands and Puerto Rico? It is not a rosy picture, but we hear some Members of Congress come back and say they didn't see a lot of damage. It is people using a pulley they have jerry-rigged across a river to survive with daily supplies of food and fuel and water. You can't see that from the air. If you have no power, you have no water, and you have no sewer systems, then, what you have is chaos.

It has been a month since Hurricane Maria hit Puerto Rico. The hospitals are rationing services while they struggle to get the medicines and the fuel they need to power the generators. The dialysis centers are struggling to get the water and fuel they need to operate.

Like many, I have written, in this case, to the U.S. Department of Health and Human Services, to urge the Department to do more to help these dialysis centers obtain the supplies they need.

I wanted to come to the floor of the Senate, having gotten back very late

last night from Puerto Rico, and tell the Senate that more needs to be done, and it is going to have to be done for a very long period of time. We have to do more to ensure that the supplies that are reaching the island are getting to those who need them.

Remember, things got piled up in the ports in the first week, and they didn't get out to be distributed. Senator RUBIO and I were saying at the time that it is going to take the U.S. military, which is uniquely organized and capable of distribution of long logistical lines. It wasn't until a week after the hurricane that three-star General Buchanan was put in charge. I met with him and the head of FEMA down in the Puerto Rico area. Finally, those supplies are getting out. These are supplies for survival.

We need to pass a disaster relief package that fully funds Puerto Rico's recovery. We need to provide Puerto Rico with the community development block grant money that Governor Rosselló has requested, just like we need the CDBGs for Texas and Florida and the Virgin Islands as well. We need to make Puerto Rico eligible for permanent work assistance so they can start to rebuild their infrastructure immediately.

I want to make something fairly clear. There should be absolutely no ambiguity about what is going on in Puerto Rico. It isn't rosy. It isn't that you can sit in a comfortable seat in a helicopter looking down from 1,500 or 2,000 feet on structures that look like they are intact, when, in fact, the reality on the ground below is completely different. Certainly, they didn't go up there and see all those bridges washed out in the mountains. They didn't see people scrambling for food. They didn't see the Puerto Rican National Guard rebuilding that little narrow dirt road winding along the banks of that river. They didn't see or walk into the buildings where you would almost be overwhelmed with the smells—the smells, particularly, of mold and mildew.

People have died as a result of this hurricane. People have died because of the lack of supplies and power. Our fellow Americans are dying, and they desperately need our help.

Ladies and gentlemen of the Senate, I have seen it with my own eyes on the ground, and I am here to urge this Congress and the administration that we have to act and act for a very long period of time.

Our citizens in Puerto Rico need our help. We have the responsibility to help fellow citizens in need.

Madam President, I yield the floor.

Mr. SHELBY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Gingrich nomination?

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Ohio (Mr. PORTMAN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 217 Ex.]

#### YEAS—70

Alexander	Ernst	Murray
Baldwin	Feinstein	Paul
Barrasso	Fischer	Perdue
Bennet	Flake	Reed
Blunt	Franken	Risch
Boozman	Gardner	Roberts
Burr	Grassley	Rounds
Cantwell	Hatch	Rubio
Capito	Heitkamp	Sasse
Cardin	Heller	Schumer
Carper	Hoeven	Scott
Casey	Inhofe	Shaheen
Cassidy	Johnson	Shelby
Collins	Kaine	Strange
Coons	Kennedy	Sullivan
Corker	King	Thune
Cornyn	Klobuchar	Tillis
Cortez Masto	Lankford	Toomey
Cotton	Lee	Warner
Crapo	Manchin	Whitehouse
Cruz	McCaskill	Wicker
Daines	McConnell	Young
Donnelly	Murkowski	
Enzi	Murphy	

#### NAYS—23

Blumenthal	Heinrich	Schatz
Booker	Hirono	Stabenow
Brown	Leahy	Tester
Duckworth	Markey	Udall
Durbin	Merkley	Van Hollen
Gillibrand	Nelson	Warren
Harris	Peters	Wyden
Hassan	Sanders	

#### NOT VOTING—7

Cochran	McCain	Portman
Graham	Menendez	
Isakson	Moran	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that with respect to the Gingrich nomination, the motion to consider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE CALENDAR

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Trachtenberg nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of David Joel Trachtenberg, of Virginia, to be a Principal Deputy Under Secretary of Defense.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that following my remarks, Senator WHITEHOUSE of Rhode Island be recognized.

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

#### NOMINATION OF TOM MARINO

Mr. BROWN. Mr. President, the addiction epidemic is a national emergency that takes far too many lives and destroys too many families across the country. Unfortunately, my State, in some ways, leads the way. Four thousand Ohioans died from drug overdoses last year, more than any State in the United States. Four thousand families lost a mother, a father, a daughter, a son, a sister, or brother.

We need to treat this epidemic like the public health emergency it is. We asked the President to proclaim it a public health emergency. He talked about it but still hasn't done it.

That is the same reason I can't support Representative TOM MARINO's nomination to head our country's drug control policy. First of all, fundamentally, I don't want an elected official, a politician, in that position. I want somebody from the treatment community. Congressman MARINO is a nominee who, in his time in Congress, showed he was too cozy with the drug companies that helped create this epidemic.

Earlier today, President Trump responded to reports about Congressman MARINO and said he is looking at those reports very closely. I hope he does. I hope he withdraws that nomination. Make no mistake, Congressman MARINO does not want to take us in the right direction in this fight.

Today I was in Austintown—a township on the edge of Youngstown, in Mahoning County—talking to Officer Toth and Chief Gavalier at the Austintown Police Department about the opioid crisis. It is coming up on Drug Take Back Day, where on Saturday all over the country, the DEA is asking police departments to allow people to bring their unused drugs in to get them out of the medicine cabinets. We were talking about much more than that. We were talking about how State governments and the Federal Government haven't stepped up the way we should to partner on prevention and education in medication-assisted therapy treatment and all the things we should be doing.

Mr. MARINO seems to think we arrest our way out of this problem, but that is not what law enforcement officials across this country are saying. Detective Toth and I didn't talk about arresting people's children and arresting

parents. We talked about how to promote the Department's Drug Take Back Day.

Addiction isn't an individual problem or a character flaw; it is a chronic disease. We need someone running our drug policy who understands that, not someone who simply wants to pull patients out of treatment in the middle of an epidemic. We know what that was about when on this floor, not much more than a month ago, only by one vote were we able to preserve the treatment that so many opioid-addicted people are getting. Right now, in my State, 200,000 Ohioans are getting opioid treatment because they have insurance under the Affordable Care Act.

We need the enforcement piece. That is why I have introduced the bipartisan INTERDICT Act and why I have worked with Senator PORTMAN on this to make sure we have resources for Customs and Border Protection agents to screen packages effectively and safely before they reach our neighborhood.

It has been more than 8 weeks since President Trump promised a national disaster declaration. We have yet to see a strategy from the White House. Other than a nominee who thinks one locks people up to defeat the opioid epidemic, we have seen no strategy from the White House to deal with the epidemic. Ohio families cannot afford to wait.

Let me close with this. A few months ago, I was in Cincinnati, at the Talbert House, and I met with a father who was there with his 30-year-old daughter. He told me that his daughter would not be there right now, that she would not still be alive, if it were not for Medicaid and the treatment for addiction that she received because of it.

We know what we have to do to deal with this epidemic. I ask the President to do the right thing, and I ask the Senate to do the right thing and move forward. It is the biggest public health emergency in our lifetimes. We need the people who are in charge of our drug control policy to treat it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me echo the remarks of the senior Senator from Ohio.

Like Ohio, Rhode Island has a very significant opioid problem, and we came together in this Chamber to support the Comprehensive Addiction and Recovery Act. I had the privilege of being the principal Democratic author of that piece of legislation, and Senator PORTMAN of Ohio was the principal Republican author of that legislation. We worked for years to set it up—to hold the hearings necessary, to get the information together, to make it work. When we did, it passed this body with a massive bipartisan expression of support.

It makes no sense to nominate somebody to this position who does not understand what we understand, which is