

impose sanctions. That is why I am supporting this bill. I urge my colleagues to do the same.

Mr. President, I yield the floor.

Thank you.

The PRESIDING OFFICER. The Senator from Indiana.

#### VETERANS CHOICE PROGRAM

Mr. DONNELLY. Mr. President, I rise today to talk about the Veterans Choice Program and the challenges some of Indiana's veterans are experiencing with its implementation.

Our veterans have served our country and have sacrificed for our country every day. Some come home bearing physical or mental wounds. Some bear both. Serving also means being away from their families, who also sacrifice for us. Veterans have missed their sons' or daughters' first words, first steps, birthdays, little league games, holidays, and many other life milestones that we all treasure.

When our veterans first come home, they are met with the many challenges of settling back into everyday life, which can include stress from finances to reconnecting with their wife or husband and sons and daughters. Some, as mentioned, must deal with the physical and mental wounds of war.

All of our vets should be able to have peace of mind that they will be able to have a good-paying job and access to quality health care. Our veterans should not be burdened with wondering if or when they will be able to schedule a medical appointment.

While we can never fully repay our veterans or their families for their service and sacrifice, our country has a sacred responsibility to honor our veterans and to take care of them. Serving our veterans and making sure they receive the best care possible, whether for physical ailments or for mental health challenges, is something I take very seriously. We are committed to ensuring each and every one of them has access to quality care and the full range of benefits they have earned by their service.

Following gross mismanagement and misconduct at several VA medical centers nationally, in 2014 Congress passed the bipartisan Veterans Access, Choice, and Accountability Act that was signed into law. The law established the Veterans Choice Program to help address the inadequate access to care that our vets were facing. The program is designed to enable veterans who can't see a VA doctor within 30 days or who live more than 40 miles from a VA facility to access a local non-VA provider using a Veterans Choice Card.

Unfortunately, there are repeated examples of the Veterans Choice Program coming up short. It is our responsibility as legislators to review, follow up, and ask questions about this program we helped to put in place to make sure it is working correctly and efficiently.

I stand here today to state that some Indiana veterans are experiencing

problems with the Veterans Choice Program, and we must work to address these issues and to solve them.

There are two third-party vendors contracted to help the VA implement the Veterans Choice Program around the country and in Indiana—Health Net Federal Services, which covers most of our State, and TriWest, which extends into parts of southern Indiana. Instead of making Veterans Choice Program appointments directly with local hospitals, veterans must use Health Net Federal Services or TriWest. In recent weeks, our office has heard from Indiana veterans who are experiencing long wait times of up to 90 minutes on the phone and disconnected calls when they contact Health Net Federal Services.

I share the stories of some of these veterans and the struggles they have dealt with. Vietnam vet Daniel Vice from Marion, IN, had eye surgery through the Veterans Choice Program and had been told by Health Net that his postoperation appointments would also be covered. When he was at the eye doctor for his follow-up appointment, he learned that Health Net Federal Services had not sent over his paperwork. This meant that instead of being covered by the Veterans Choice Program, Dan would have to pay out of his own pocket. Dan contacted our office while at the doctor seeking help. Our case manager called Health Net only to be put on hold for 21 minutes before speaking to a supervisor. The company could not provide immediate answers but called back our staff a few hours later and said that Dan's paperwork had not been approved. We continue to work with Dan to get answers to solve this problem.

Veteran Robert Trowbridge, from South Bend, had surgery on his ankle almost 6 months ago and has yet to be scheduled for his post-op physical therapy. He called Health Net many times and was put on hold for 30 to 40 minutes each time he called. When he was able to reach a rep, he was told repeatedly that his paperwork was sent to be approved, only to find out 4 months later that there was a problem. He was later informed that his Social Security number was not attached to his file. Frustrated, Robert contacted our office for assistance.

Our staff experienced firsthand the frustrations and inadequate customer service that some of our vets like Robert face. One of our case managers called Health Net and it took 23 minutes into the conversation with a representative before the customer service rep even asked for the veteran's name. After calls with a representative, then a supervisor, and then a manager from Health Net Federal Services, we were finally able to work with the manager to resolve the issue for Robert.

What our veterans are going through to schedule appointments and access their benefits through the Veterans Choice Program is completely unacceptable. Our office continues to work

to assist vets who experience difficulties.

I have called on Health Net Federal Services to get answers. We need to get to the bottom of this problem, and we need to ensure that all Hoosier veterans and all American veterans and their families receive the timely and quality care they deserve.

I will work nonstop to end this problem, and our office will continue to work nonstop to make sure we get to the bottom of the problems that our Hoosier veterans are having with the Veterans Choice Program. They gave too much to this country to be treated this way. We will solve these problems for Hoosier veterans and for every American veteran.

I yield back the remainder of my time.

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

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

#### BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, I rise today to join the American people in celebrating Black History Month, but it should be noted that the immeasurable role African Americans have had in making the Nation the strong Nation that it is today could not be fully recognized in 1 short month. Black history is American history.

This February we highlight the titans of African-American history: Marylanders such as Harriet Ross Tubman, Frederick Douglass, and Thurgood Marshall; icons, including Dr. Martin Luther King, Jr., and Dr. Dorothy Height; and contemporary heroes, such as JOHN LEWIS and Mae Jemison.

We all celebrate the countless men and women whose names will never grace the history books or newspapers, those who fought each day for freedom and equality, those who pushed the limits of innovation, and those who endured and overcame hardships over the centuries.

As we celebrate, the struggle to ensure all Americans under the law are treated equally under the law rages on. I believe that as much as Black History Month is about reflecting on a rich past, it is also a time for all Americans to contemplate how to create a better future.

It is not enough simply to recognize the great contributions that African Americans have made, to honor those who have come before us; we must use Black History Month as a springboard to bring about positive change in America. I have a number of legislative priorities that relate directly to Black History Month and to building a better future.

I take pride in being from Baltimore for many years reasons. I know all my colleagues are familiar with the National Association for the Advancement of Colored People, the NAACP for short. The NAACP celebrates its 107th anniversary on the 12th of month. The NAACP is headquartered in Baltimore City. The model of the NAACP is "One Nation Working Together, For Justice and Equality Everywhere." The motto is fitting because for the last 107 years, this is exactly what the NAACP and its more than half a million members have done. I have introduced legislation to honor the legacy of the civil rights champion, executive director of the NAACP Legal Defense and Educational Fund, Solicitor General, Supreme Court Justice, and Baltimorean Thurgood Marshall. The legislation would direct the National Park Service to determine the suitability of including his alma mater, Public School 103 in West Baltimore, as a national historic site.

The stories of Justice Thurgood Marshall reading the Constitution in the basement of P.S. 103 during detention typifies the American dream. Preserving P.S. 103 would not only be a fitting tribute to a great Marylander but also an enduring symbol of the importance of education in shaping civic-minded and great Americans. I understand that the legislation may be included in the Energy Policy Modernization Act that the Senate may consider again in the near future, and I hope the Senate will approve of this amendment.

I just mentioned education, and during Black History Month, I think there are few topics more important to promoting equality than ensuring that all Americans have access to a high-quality, affordable education. In December of this past year, Congress enacted the Every Student Succeeds Act in a strong bipartisan manner. I hope the Members of this body can build on this momentum by confronting the pressing issues of college affordability and student debt.

I am a strong supporter of President Obama's America's College Promise proposal to provide 2 years of community college education tuition-free for responsible students. This proposal will allow students to earn the first 2 years of a 4-year degree or the critical skills necessary to enter the workforce without having to take on decades of debt before they even embark on their career.

While student debt is a critical problem for nearly 42 million Americans, paying for higher education can be especially difficult for African-American families. According to the Urban Institute, since the mid-2000s, African-American families on average have carried more student loan debt than White families. This is driven in large part by the growing share of African-American families who take on student debt. In 2013, 42 percent of African Americans ages 25 to 55 had student loan debt,

compared with 28 percent of Whites. Because African-American families on average have less wealth and fewer private resources, they may be more likely to turn to loans to finance their education.

Education is the great equalizer in our society. As a nation, we cannot afford to price Americans of any race out of education and the opportunities a quality education provides.

The main higher education equalizer, the Federal Pell grant, provides its lowest share of college education costs since its enactment in 1965. As a result, more than 61 percent of the students who receive a Federal Pell grant award have to take out loans, compared to only 29 percent of their more affluent peers. With more than 60 percent of African-American undergraduate students utilizing the Federal Pell grant to pay for their education, this has placed an undue burden on African-American communities for decades. During Black History Month and beyond, I will continue to help support legislation to help ease the burden of paying for higher education.

In the last year, Baltimore and many cities across the United States have been inundated with news crews covering the deaths of unarmed Black men and women at the hands of police officers. Long before the unrest that gripped Baltimore last spring, I had introduced a number of bills seeking to empower communities and rebuild trust between the citizens and police departments. Events in Baltimore, Charleston, Cleveland, Chicago, and many other places showed the urgent need for congressional action. That is why I introduced the BALTIMORE Act, which would help communities nationwide by building and lifting trust in order to multiply opportunities and racial equality.

The BALTIMORE Act is a package of legislation made up of bills that I have previously introduced, along with several new additions. Many provisions in the BALTIMORE Act enjoy bipartisan support. Title I of the BALTIMORE Act includes law enforcement perform provisions to help better train and equip law enforcement officers so they can better serve communities across the country.

The first provision contained within the BALTIMORE Act is the End Racial Profiling Act. The End Racial Profiling Act would end racial and discriminatory profiling by State and local law enforcement and require mandatory data collection and reporting. Think about this for a moment: In 2016 there is no national standard against law enforcement officers stopping someone merely because of his or her race. I am pleased that Maryland attorney general Brian Frosh recently issued guidelines prohibiting the use of discriminatory profiling by State and local law enforcement in Maryland. And the Attorney General of the United States has acted, but we need a national standard with the force of law that

would prohibit the use of discriminatory profiling by any Federal, State, or local law enforcement officer.

The second provision deals with State and local accountability. It would require local law enforcement officials receiving Byrne JAG and COPS Hiring Program funds to submit officer training information to the Department of Justice. That information would include how officers are trained in the use of force, racial and ethnic bias, deescalating conflicts, and constructive engagement with the public.

The Police CAMERA Act would establish a pilot program to assist local law enforcement in purchasing or leasing body-worn cameras.

I am pleased that several provisions that are consistent with the BALTIMORE Act were included in the fiscal year 2016 appropriations measure enacted by Congress in December. The appropriations legislation directs the Department of Justice to swiftly devise and submit plans to improve training levels in use of force, identifying racial and ethnic bias, and conflict resolution for State and local law enforcement officers. It urges DOJ to partner with national law enforcement organizations to promote consistent standards for high-quality training and assessment and directs the agency to better collect State and local law enforcement data on the use of force.

I also want to mention that I introduced the Law Enforcement Trust and Integrity Act, which would help local law enforcement agencies strengthen their department and combat officer misconduct.

The BALTIMORE Act deals with voting rights reform and civil rights restoration. The Democracy Restoration Act would make citizens who have returned from incarceration eligible to vote. At the State level, I was proud to see that the Maryland State Senate recently overturned our Governor's veto of a State statute expanding the right to vote for people who have served their time. I want to reduce recidivism and give people a stake in their communities. If you want to do that, they need to have a voice and a vote. The Democracy Restoration Act would also restore one's eligibility to serve on a Federal jury.

Congress should also enact legislation to restore the Voting Rights Act and reverse the damage done by the Supreme Court decisions that undermine the fundamental right to vote as Americans, to cast their votes for the Presidential primary elections of 2016.

The BALTIMORE Act also deals with sentencing reform. Over the years, sentencing in this country has been marred by racial disparities. The discrepancy between jail time for crack and powder cocaine users is only one such example. The RESET Act would reclassify specific low-level nonviolent drug possession felonies as misdemeanors and eliminate the aforementioned distinctions between crack and powder cocaine. I am pleased to be

able to say that the sentencing reform is a bipartisan issue, and I look forward to working with any member who is willing to ensure that all Americans are treated equitably under the law. I hope the Senate will take up legislation to address some of these disparities in the very near future. Finally, the BALTIMORE Act addresses reentry and employment law reforms. I think this section is especially important because once someone has served his or her sentence, that person should be able to start anew and should get a fair shot to reenter the workforce.

I would be remiss if I did not mention Second Chance, Inc., a Baltimore non-profit that trains returning citizens in deconstruction, architectural salvage, and much more. I have had a chance to meet with the staff of Second Chance, and I can tell you that their reentry and job program should be a national model. I invite my colleagues to learn more about the good work that is being done only a short drive north of here.

I am pleased the administration has “banned the box” when it comes to the hiring of Federal contractors, so that ex-offenders get the second chance to rejoin our communities as productive and working members of society.

I am pleased the State of Maryland as well as Baltimore City, Montgomery County, and Prince George’s County have all “banned the box” in various forms, and I urge the private sector to follow suit. Helping ex-offenders find gainful employment is a win-win by reducing social services costs, increasing tax revenues, and making our communities safer.

Eliminating disparities in our justice system is critically important. It is just as important to eliminate disparities in the quality of health care available between groups of Americans. In Baltimore, living in certain African-American neighborhoods instead of a White neighborhood, separated by only a few miles, can shorten life expectancy by as much as 30 years—a full generation. That is unacceptable. As a Senator with a longstanding record of working to promote health equity, including my legislation establishing Offices of Minority Health throughout the Department of Health and Human Services and elevating the National Institutes of Health’s National Center on Minority Health and Health Disparities to an Institute, I will say we have made progress in shrinking disparities, but I am far from satisfied.

I am very encouraged to see that NIH received a \$2 billion increase in the fiscal year 2016 omnibus spending bill. That is very important. That is the largest increase NIH has received since 2003. The National Institute on Minority Health and Health Disparities received \$278 million. This is an increase of \$8.7 million over its fiscal year 2016 enacted level. Make no mistake, that money will help save lives.

Thanks to the Affordable Care Act, we have recently made health care coverage more accessible and affordable

than it has been in decades. By reducing the number of uninsured Americans across the country, the ACA is working to address health inequalities. For instance, between 2013 and 2014, the percentage of uninsured African Americans fell by 6.8 percent. Also, because of the ACA, there is increased funding available for community health clinics, and 300,000 Marylanders, including more than 140,000 African Americans, are served by these clinics. Under the ACA preventive services, which are critical to the early detection and treatment of many diseases that disproportionately affect minorities, are now free for 76 million Americans, including 1.5 million Marylanders.

Some of what Congress can do to shrink disparities is not limited to health care policymaking. Recent events in Flint, MI, have brought to light the need to focus on environmental justice issues. Flint is a case study in what happens when environmental stewardship and water infrastructure needs are ignored. It is also an example of how pollution can hurt minority populations in a severe way. Flint’s population is about 100,000 people. Roughly 56 percent are African American. The residents of Flint will have to live with the complications of lead poisoning for the rest of their lives.

What disturbs me the most—both as a grandfather and a member of the Senate Environment and Public Works Committee—is the very real possibility that children may have suffered irreversible damage to their developing brains from exposure to lead in drinking water. Exposure even to low levels of lead can profoundly affect children’s behavior, growth rates, and their intelligence over time. I might point out that Freddie Gray, the person who was killed in Baltimore, had high levels of lead in his blood. Elevated levels in the bloodstream may cause learning disabilities and other developmental issues.

I wish to quote from an article in the New York Times, January 29 of this year:

Emails released by the office of [Michigan] Governor Rick Snyder last week referred to a resident who said she was told by a state nurse in January 2015, regarding her son’s elevated blood level, “It is just a few IQ points. . . . It is not the end of the world.”

It is a crisis when we deny a child his or her full potential by exposing them to lead. This crisis could have been avoided. It is going to affect an entire generation of children in Flint to varying degrees.

Sadly, Flint is not alone among the cities in which pollution is harming African Americans at disproportionately alarming rates. Nationally, African Americans are 20 percent more likely to have asthma versus non-Hispanic Whites. According to a study in the Annual Review of Public Health, many African-American children live in more heavily polluted areas. Living in urban centers increases one’s exposure to

traffic and industrial pollution, which promotes a greater sensitivity to allergens.

As I said at the beginning of my remarks, Black History Month is about reflecting on a rich path but also a time for all Americans to contemplate how to create a better future. The Senate is capable of great things. Landmark bills like the 1964 Civil Rights Act, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 all passed through this Chamber. I call on my colleagues on both sides of the aisle and in both Houses of Congress to transfer the good will and kind words of Black History Month into meaningful legislation to help African Americans and all Americans.

I presented only a small portion of my legislative priorities today. I know other Senators may have different ways of approaching some of these same challenges. In honor of the countless men and women who have contributed to making this country great, let us work together to get something done for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 443, Robert McKinnon Califf, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Robert McKinnon Califf, of South Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Thereupon, the Senate proceeded to consider the nomination.

### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Robert McKinnon Califf, to be