

Earlier this week, the Senator from Iowa, Mr. GRASSLEY, discussed the arm-twisting that took place. During an interview on Tuesday on an NBC affiliate in Iowa, he was asked whether undue influence had been exerted by Republican leadership. This is what he said: "Some had reluctance, but all signed." Again, "Some had reluctance, but all signed" on when asked whether undue influence had been exerted by Republican leadership.

I don't blame Senator GRASSLEY's colleagues for their reluctance. The Judiciary Committee once had a proud history of independence. This committee is 200 years old and is one of 11 committees that were formed when this body came into being. So their reluctance is understandable. It is understandable that the Republican members don't want to abdicate their independence. I don't blame those Senators for being reluctant to follow the Republican leader's orders for refusal to do their jobs. I don't blame them for their reluctance to banish the independence of the Judiciary Committee's past, ensuring that this once powerful, independent, strong committee's reputation is now nothing but a memory.

I wish the Judiciary Committee Republicans had been a bit more reluctant to sign on to the McConnell-Grassley letter, a pledge not to do their jobs. It appears most voters also think they should not have signed the letter. According to a new CNN poll that came out last night, two-thirds of Republicans want hearings on the President's Supreme Court nominee—almost 70 percent. Senate Republicans' pledge to obstruct doesn't make sense to the Republicans' own base.

The senior Senator from Iowa's blind adherence to the dictates of leadership doesn't stop there. The chairman of the Judiciary Committee was too timid to even meet with President Obama without the Republican leader's consent. He refused to go to the White House without the Republican leader by his side. When we all finally did meet with President Obama on Tuesday—the Republican leader, Democratic leader, chairman of the Judiciary Committee, and ranking member of the Judiciary Committee—at that meeting, the chairman wouldn't commit to meeting the nominee or holding hearings. He wouldn't do that. He wouldn't give the nominee a vote. That is what he told the President.

This is not what Senator GRASSLEY advocated before his party assumed the majority. Back in January 2015, on the Senate floor, the Senator from Iowa said:

We must get back to what we in the Senate call regular order. I would say do things the way Madison intended.

Everything the chairman has done since assuming the role runs counter to those words and what Madison intended and obviously what the senior Senator from Iowa had intended.

Allowing 11 Republican members of the Judiciary Committee—and they are

all men—to decide on behalf of 100 Senators and 300 million Americans that they will not even meet with or hold a hearing or vote on the Supreme Court nominee is certainly not regular order. This is about as irregular order as you can have. Given the opportunity to pre-empt a fair process, the chairman chose blind obedience to his party leaders instead. Nothing the Judiciary Committee chairman has done in the wake of this Supreme Court vacancy can be identified as regular order. It is about as irregular order as you can have.

Working behind closed doors is becoming the theme for Senator GRASSLEY and the Judiciary Committee. He sought to move a committee markup scheduled for today—a meeting that normally takes place in the full view of the public—behind closed doors. Everyone, think about that. This hearing has been scheduled for a long time, but the Republican leader wants to do it secretly. When Democrats objected, the chairman postponed the meeting altogether. No public hearing, a closed door hearing, Democrats objected, so he just canceled the meeting. This isn't transparency; this is obstruction and chaos.

Even Republicans agree—or at least some of them. Last week, the junior Senator from West Virginia said:

Do I worry that this would make the Senate look dysfunctional? That's a slight worry for me.

It may be a slight worry for the Senator from West Virginia, but it is a huge worry for the American people.

Again:

Do I worry that this would make the Senate look dysfunctional? That's a slight worry for me.

Well, it may be a slight worry for the Senator from West Virginia, but it is not a slight worry for the American people. It is a big, huge worry for the people of West Virginia.

The good news is that this can all be remedied very quickly. All my friend from Iowa needs to do is use the authority he has as the Judiciary Committee chair and give the President's nominee a meeting and a hearing. This would be what Iowa deserves and what this country deserves. All he needs to do is live up to his own words and be "fair," "respectful," "deliberative," and "thorough." Simply put, he needs to stop blindly following the Republican leader and just do his job.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 524, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 524) to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

Pending:

Grassley amendment No. 3378, in the nature of a substitute.

Grassley (for Donnelly/Capito) modified amendment No. 3374 (to amendment No. 3378), to provide follow-up services to individuals who have received opioid overdose reversal drugs.

The PRESIDING OFFICER. The Senator from Illinois.

FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, the year was 1936. President Franklin Roosevelt had just been reelected with an overwhelming majority, and he decided he had had enough of the U.S. Supreme Court. They had been striking down some key pieces of legislation in his New Deal package. So he came up with a bold plan in February of 1937. That bold plan was to add enough new Justices to the Supreme Court to tip the balance his way.

He presented this plan to change the Supreme Court for his political purposes to a Democratic Congress and a Democratic U.S. Senate, believing, with his big reelection majority and the fact that most of the Members of Congress had supported his New Deal agenda, that they would stand by him when it came to changing the Supreme Court so that it would start ruling his way. He was wrong. What happened then was that Members of the Senate decided to stand up to their President and to stand up for the Constitution.

A little-known Senator from Arizona, Henry Ashurst, was the chairman of the Senate Judiciary Committee. He deliberately delayed the FDR Court-packing proposal to a point where, when it was finally called, it was overwhelmingly defeated.

Think about that in the context of our current debate about filling this Supreme Court vacancy created by the untimely death of Justice Scalia. In that case, in 1937, the Senate Judiciary Committee and its chairman stood up for the Constitution first, over and above even the President of their own political party. This was a popular President; yet they believed the Constitution was more important than any political issue when it came to the New Deal.

So where are we today? We are in a situation where we have a vacancy on the Supreme Court. The Court still continues to hear cases of great historic moment—yesterday, the case involving abortion and I am sure, in weeks ahead, even more controversial issues. It is a Court that is at least limited by the fact that there are only eight Justices. In many instances, this Court is likely to end up with a tie—a decision which doesn't decide the law but leaves it still unresolved.

So what is our responsibility as this Senate at this time as we reflect on the Senate of 1937? Well, we only have to

turn to the U.S. Constitution—the Constitution which each of us, each and every one of us as Senators, Democratic and Republican, stood in the well and swore to uphold.

The second article in this Constitution relates to the powers of the Presidency. In this book, it is only three pages, but the people who wrote the Constitution, our Founding Fathers, tried to put in those three pages the critically important elements to make sure that our democracy would continue. They tried to envision the possibilities and to authorize branches of government to do certain things.

In article II, section 2, when it comes to the powers of the President, it says: he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.

Did it say he may appoint? No. The language is explicit. He shall appoint, and with the advice and consent of the Senate, shall fill the vacancies on the Supreme Court.

So what faces us today? An announcement by the Republican leadership, Senator MCCONNELL, within hours of the announcement of the death of Justice Scalia, that for the first time in the history of the United States Senate, for the first time in our Nation's history, the Republicans have announced that they will not only refuse to fill this vacancy, they will not even allow a hearing on a Presidential nominee. And Senator MCCONNELL went a step further and said he will not even meet with a nominee offered by the President to fill this vacancy. That is a clear violation of the constitutional responsibility which this Senate has. The Constitution doesn't require us to approve any nominee, no; it is advise and consent, not consent only. We can certainly vote no if we feel that vote is warranted. But the Constitution is very clear that we can't walk away from our constitutional responsibility when it comes to a vacancy on the Supreme Court.

If the Senate Republicans have their way, this vacancy on the Supreme Court will continue on until the next calendar year. It will be the longest vacancy on the Supreme Court since the Civil War, when this Nation was torn apart. If there was any excuse in those days for not filling the vacancy, there is no excuse today.

There is the argument made: Let the people decide. Let the people decide in the next election who the next Supreme Court Justice will be. But that ignores the obvious: There is a sitting President, elected for 4 years, with the constitutional authority every President has, and one of those authorities is to fill this vacancy on the Supreme Court.

They argue: Well, the people will decide in November what will happen next year. I might remind them that the people decided in the year 2012 by a margin of 5 million votes that Barack Obama would be President of the

United States—not for 3 years, not for 3 years and 2 months, but for 4 years. And to argue that he is somehow now unable, unwilling, or cannot be called on to exercise his Presidential authority flies in the face of reality—a reality which most Republicans will readily concede, at least in private.

The Republicans think they are winning this debate. I think they are losing. They think their “let the people decide” approach to this is really carrying the day. I think our approach to this—saying to our Republican colleagues: Do your job—is carrying the day.

How is this playing in Peoria, IL? I want to read from an editorial of the February 28 edition of the Peoria Journal-Star:

The most worthless Congress in memory became more so last week, with Senate Republicans doubling down on their decision not to even hold hearings for any Obama nominee to the U.S. Supreme Court to fill the Scalia vacancy.

They went on to say:

Even as awful as Congress is, it's not often that its members combine dereliction of constitutional duty—(see Article II, Section 2)—with political cravenness (the aversion to tough decisions in an election year) in one fell swoop, but so Senate Republicans have here. Not only have they unconstitutionally changed a president's term from four to three years, not only are they renouncing their “advice and consent” role, not only are they effectively suggesting the Constitution be amended to popularly elect Supreme Court justices, but even more lame are the lengths Republicans went to in order to rationalize their decision.

No more excuses. The Senate Judiciary Committee and the Senate should do their job. When the President submits a nominee, we should give that nominee a fair and thorough hearing—a fair, respectful, and thorough hearing, as one Republican said over and over again—in full view of the American people and then vote.

A fair warning to my Senate Republicans. They said the American people should decide. They will decide—they will decide in November that the Republicans in the Senate should do their job.

I yield the floor.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. LEAHY. Mr. President, the Senator may well recall—he was here when I was chairman of the Judiciary Committee in 2001 during President Bush's administration, the ranking member was then Senator HATCH—we put together an agreement about how the committee would consider Supreme Court nominees. We wrote: The Judiciary Committee's traditional practice has been to report Supreme Court nominees to the Senate once the committee has completed its consideration. This has been true even in cases where Supreme Court nominees were opposed by a majority of the Judiciary Committee.

Does the Senator recall that at that time the Republican leader of the Senate, Senator Lott, even read that letter into the RECORD to say that this is the way the Senate should operate?

Mr. DURBIN. I do remember that.

Mr. LEAHY. I appreciate that.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I come to the floor this morning because of the important subject that is before us, the bill that deals with the opioid epidemic, the follow-on heroin problem, a bill that was reported out of committee unanimously, a very important piece of legislation. Right now we have unfortunate political gamesmanship that has overtaken some of my Democratic colleagues at the very same time that everybody on the Judiciary Committee knows we need to pass the Comprehensive Addiction and Recovery Act that goes by the acronym CARA for short.

It happens, though, that the opioid epidemic is not a political game. It is a real problem out there. A massive hearing we had in committee demonstrates that. I am very proud the Senate has taken up the CARA bill, after this public health crisis festered for so long while the Senate was controlled by the Democrats.

For example, tragically heroin overdose deaths more than tripled from 2010 to 2014. All the while, the Democratic leadership simply did not make it a priority to move a bill like CARA. It is a bipartisan bill that addresses the public health crisis of heroin and prescription opioid abuse.

Through the hard work of many on both sides of the aisle because it is a bipartisan bill, as I said, it passed out of our committee—and you can't say so often—unanimously. Everybody at the grassroots level of America thinks everything here is always partisan between Republicans and Democrats—not when it comes to the opioid issue or a lot of other issues. This bill came out of committee unanimously, and we ought to get it to the House of Representatives as fast as we can and to the President. Just a few weeks after it came out of committee, here we are working on it with an opportunity to pass it.

This reflects the Senate working in a very constructive, bipartisan way on behalf of the American people and the people who are addicted to heroin and opioids. This is very much unlike the way the Senate acted when the Democrats controlled it. This issue was not brought up. For political reasons, that is not a narrative some Democrats want the American people to hear, and so we are having this game today.

Yesterday, there was a manufactured controversy over the amount of funding. Of course, the opioid crisis demands resources, and significant resources are being directed to it, both by the Appropriations Committee and the programs laid out in this bill before us right now. In fact, according to the

Office of National Drug Control Policy, the Appropriations Act passed in December provides more than \$400 million in funding specifically to address the opioid epidemic. This is an increase of more than \$100 million over the previous year. None of that money has been spent yet. All of that money is still available today.

This bill authorizes so many activities to combat the crisis, but it was never intended to appropriate funding. That is what we have Appropriations Committees for. That is why we have an appropriations process. Through the appropriations process, we can evaluate competing priorities, evaluate trade-offs, and in the end ensure that adequate resources are directed to this epidemic while at the same time maintaining fiscal discipline.

I am glad the Senate rejected that attempt to inject gamesmanship into the debate over ways to improve this bill. That vote happened yesterday. Now the minority in the Senate, the Democrats, are setting up additional procedural roadblocks. We tried to set up additional votes this morning to move this very important bill along so we can help the people of the various States, and particularly New England, solve this opioid addition and heroin problem—also a problem in the eastern part of my State—but somehow the Democrats would not agree.

Because we have this bill on the floor, I also asked the Democrats on the committee to hold our weekly Judiciary Committee business meeting over here in the Capitol Building instead of in the committee room, right off the floor of this Senate, as we do quite regularly, particularly when we have so much business here.

That was a routine accommodation I asked them to make, similar to the accommodation I gave to them when we had a hearing scheduled earlier this week on the EB-5 immigration bill, when they asked to cancel that because this bill was on the floor of the Senate. So I accommodated them. Would they give me the accommodation of holding this meeting off the floor of the Senate so we could take up the business of voting out some judges? There was not any legislation on our agenda, but we could have voted out some judges. How often do we hear that the Judiciary Committee is not moving judges? We had a chance to do that probably in a 10-minute meeting right in the President's Room, just a few feet from where I am standing right now.

I gave them an accommodation, but now I am running into trouble because I canceled a meeting because we have this important bill on the floor of the Senate. I understand they are protesting the Judiciary Committee's lack of action on a Supreme Court nomination, which nomination we could not even possibly consider if the President does not send it up.

I imagine this is just the first of several problems we are going to have in the next few weeks. While they do that

this morning, I want you to know I am going to be on the Senate floor trying to get this very important opioid addiction bill—heroin addiction bill—passed, and I will be thinking about so many people CARA will help once this bill is signed by the President.

At our Judiciary Committee hearing we had on this very important problem, we heard from Nick Willard, chief of the Manchester New Hampshire Police Department. His officers will benefit from the training the bill authorizes to use naloxone, a drug that can save lives after an overdose.

At that hearing, we also heard from Tonda DaRae, a courageous Ohio woman who lost a daughter to an overdose and who founded a support group for those in recovery called Holly's Song of Hope. Her group may profit from this legislation's grants aimed at building communities of recovery.

I will be thinking about the many Iowans I have heard about who have been impacted by this crisis. I spoke earlier this week about Kim Brown of Davenport, who lost her son Andy to an overdose. She now speaks out across the State about the epidemic.

There is Carla Richards, of Waukegan, IA, who lost her daughter Anna to an overdose as well. She founded an organization to promote awareness called Anna's Warriors. There are all kinds of tragic stories that every Senator in this body could talk about that highlight the rationale behind this legislation and the \$400 million that is waiting to be spent to overcome the opioid addiction.

There is a seed of hope in many of them, hope that we can act to address this epidemic, each in our own way. I will be thinking of these stories today as we try to move CARA one step closer to becoming law. So why would a bill that got out of committee unanimously have this sort of shenanigans going on, on the floor of the Senate, at a time when people are dying—44,000 people in the most recent statistical year, more than automobile accidents and gun crimes together. This is a real problem. We need to get this bill passed, and we are working on accommodating amendments and moving it forward. It is not the time for the go-slow approach we are seeing already on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

FILLING THE SUPREME COURT VACANCY

Mr. LEAHY. Mr. President, I ask unanimous consent to engage in a colloquy with other Democratic members of the Judiciary Committee for 30 minutes.

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

Mr. LEAHY. Mr. President, one, so we fully understand, we are perfectly willing to have—even though we don't hold Judiciary Committee meetings every week as we used to—we would be perfectly willing to have a meeting that was not in a backroom but open so the press would see it.

It is important to have such meetings open, for the press and anybody who wants to come in. It is unfortunate that we have had—with the Supreme Court vacancy—there has been a closed-door, back-room meeting. That is when a small handful of Republican Senators decided, with the Republican leader, to say the President should not follow his constitutional duty and nominate a Supreme Court nominee, and, in an unprecedented fashion, the Senate Judiciary Committee would not follow its constitutional obligation of advice and consent.

In that small closed-door meeting, it was decided that Senators should not follow the solemn oath they have taken on this floor when they say they will uphold the Constitution “so help me God.” We have had enough closed-door meetings, especially closed-door meetings that tell us to violate an oath where they said “so help me God” and to not follow the Constitution.

I think it is important that we have these meetings since the untimely passing of Justice Antonin Scalia. There is certainly a disagreement over how to move forward in filling the Supreme Court vacancy, but I think the American people want us to do our job. This is a time we should have an open conversation about it, not closed-door meetings, where afterward self-serving press releases are issued, which may or may not accurately represent what went on in those meetings.

The American people deserve to have us do our job, hear us discuss and debate the committee's next steps in fulfilling our constitutional duty.

Last night, my friend, the senior Senator from Iowa, decided to postpone this meeting rather than have it in public. Now we have to wait another week before the committee can sit down in public so the American people can discuss an issue that is so important. The move to postpone today's meeting is troubling, given that last week's meeting—a meeting that should have happened with the participation of all the committee members in a room open to the public, showing us doing our jobs—was also postponed. So we didn't have a meeting in public. We weren't doing our job.

Instead, last week the committee's Republicans decided to meet behind closed doors—the public couldn't follow what they were doing—without any Democrats so they could hatch a partisan plan to obstruct any effort to consider the next nominee to the Supreme Court and do that no matter what the Constitution says. There was no consultation with any Democrats serving on the committee. There was no public discussion of any kind.

Certainly, in my 40 years here, whether Republicans have been in control of the Senate or Democrats, I cannot think of any precedent for this kind of closed-door discussion of how we avoid doing our job. Instead, 11 Republican Senators unilaterally decided the Senate would abdicate its responsibility and block all of us from fulfilling

our constitutional obligation of advice and consent. They block all of us from doing our job.

Supreme Court nominations are a unique priority for the Judiciary Committee. Since I have served in the Senate—I voted on every member currently on the Supreme Court and on several who have since retired—the Judiciary Committee has always held hearings on Supreme Court nominees, and they have always reported them to the full Senate for consideration.

When I took over as chairman of the Judiciary Committee in 2001, George W. Bush was President. I did not agree with much of what his administration was already doing—I was very frank in discussions with President Bush to tell him that—and I was not sure if I would approve of any Supreme Court nominations he might have the opportunity to make, but even with those reservations, I wrote a letter with then-ranking member Senator HATCH memorializing an agreement we reached—which Republicans gave their word to follow—about how the Judiciary Committee would consider Supreme Court nominees.

In that letter that Senator HATCH and I wrote, he gave his word and I gave mine:

The Judiciary Committee's traditional practice has been to report Supreme Court nominees to the Senate once the Committee has completed its considerations. This has been true even in cases where Supreme Court nominees were opposed by a majority of the Judiciary Committee.

Senator HATCH and I gave our word on that. The Republican leader at the time, Senator Lott, then read our letter into the CONGRESSIONAL RECORD to ensure that it was available to all Americans to see, and I took the word of Republicans in this body that they believed what they were saying. It showed the long understanding of the Senate Judiciary Committee's commitment to an open, fair process, even when the majority does not agree with the opposing party's President.

The priority of the Judiciary Committee has afforded Supreme Court nominees is exemplified by its consideration of two of the most contentious nominations to the Court: Robert Bork and Clarence Thomas.

In both instances, then-Chairman Biden moved the nominations to the full Senate, even though a majority of the Senate Judiciary Committee did not support the nominations. In other words, the majority did not support the nomination, but we still moved them forward.

In Robert Bork's case, a committee vote to report out his nomination favorably failed by a vote of 5 to 9, with both Republicans and Democrats voting against it. At the time, the Reagan administration was quietly asking him to withdraw his name, but he still wanted to have a vote, and the committee then voted to report his nomination with an unfavorable recommendation. He was reported out un-

favorably by a vote of 9 to 5 so the full Senate could consider him. Some Democrats voted for him. Many Democrats voted against him. Some Republicans voted for him. Many Republicans voted against him, but he had his vote.

In Clarence Thomas's case, the committee voted to report out his nomination favorably. That failed by a vote of 7 to 7. The committee then voted to report his nomination without recommendation, and by 13 to 1 we voted to give him a chance to be heard on the floor.

Even when a majority of committee members have not supported a nominee, as was the case with Robert Bork or Clarence Thomas, we have not denied the full Senate—or the American people—the opportunity to debate and consider a Supreme Court nominee. We were not going to say this Senate shouldn't do its job.

The Judiciary Committee has a strong tradition of transparency. I remember when I first came on, there was one of the most conservative Senators as chairman, Jim Eastland. We have done it with all who have been chairs. I believe the American people have a right to see and hear what we are doing. They have a right to know whether we are doing our job. They have a right to weigh in on the decisions we make. Nowhere does transparency matter more than a lifetime appointment to the highest Court in our land. You can't decide a question of somebody going on the highest Court of our land, with a lifetime appointment, and do it with a small group behind closed doors. That is not doing our job. There is no place for backroom deals for something so important. Public confirmation hearings are a vital part of our democracy. That is not just about us.

Public hearings are how Americans meet the nominee. Public hearings allow every American the opportunity to watch and listen to this person whose decisions may have a lasting impact on their lives. Ultimately, what this small group of Republican members of the committee meeting behind closed doors unilaterally decided last week was to reject the longstanding tradition of public hearings. In doing so, they are denying Americans—all Americans, Republicans and Democrats alike—the chance to participate in the consideration of a nominee. They deny Americans a chance to have us do our job.

The Judiciary Committee is one of the busiest in the Senate. It considers some of the most consequential issues affecting millions of Americans. When we commit ourselves to what brought us here, to do our job and work together for our constituents, we can achieve great things. This is what happened 3 years ago when the Senate passed comprehensive immigration reform. After six hearings and 3 weeks of markups—many lasting until very late at night—each of the 18 Senators serving on the committee participated in

the process to draft that legislation. I allowed everybody who had an amendment to bring it up. We would go back and forth—one Democrat, one Republican, back and forth. We did this day after day, late at night sometimes, but all in public. It was all covered by television. Not all of us supported the bill, but all of us had a chance to debate and amend it. Even the staunchest opponents of the legislation, including some in the Chamber right now, praised the Judiciary Committee's transparent and fair process for consideration of that bill. A Vermont editorial at the time called our committee proceedings—because they were open, because everybody had a chance to participate, because the American people could see what we were doing, because we were doing our job—“a lesson in democracy.” I think it is time for a refresher course.

The legal issues before the Supreme Court are significant, and its importance in our constitutional democracy cannot be overstated, nor can the responsibility of both the President to follow his constitutional duty to nominate and the Judiciary Committee's responsibility to fairly consider a nominee to serve in the highest Court in the land.

It is with deep concern I come to the floor. I urge my friend, the chairman, and all members of the Judiciary Committee to renew their commitment to transparency and regular order. I ask that you withhold judgment. I ask those who met behind closed doors to withhold your judgment until you can review the record of whomever the President nominates. I ask you to give the next nominee to the Supreme Court a fair hearing, as we have done in this body—the body should be the conscience of the Nation—for the last 100 years. The American people expect us to do our job.

Senator COONS is on the floor. The distinguished Senator from Delaware is the ranking member of the Court Subcommittee. I wish to ask Senator COONS, through the Chair, what his understanding of the role of the Senate Judiciary Committee with regard to the next Supreme Court nominee is.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I emphasize how important I think the role is of the Senate Judiciary Committee. As many present know, my predecessor, now Vice President BIDEN, is a former chairman of the Senate Judiciary Committee.

As my good friend and colleague from the State of Vermont just reminded us, there is a long and important history on the Senate Judiciary Committee that I think bears repeating; that since its formation a century ago, the Senate Judiciary Committee has provided a hearing, a vote or both for every single Supreme Court nominee. The only exceptions being those that went straight to the floor because their confirmations were supported so broadly.

I also think there is a second important point, if I could briefly touch on it; that even in those instances where a nominee did not enjoy majority support on the committee, even in those instances just cited by the Senator from Vermont, where a majority of the Senate Judiciary Committee voted against a nomination, that nomination proceeded to the floor of the Senate to ensure that advice and consent—our constitutional duty—could be carried forward.

If I might ask for the forbearance of the Senator from Vermont for one moment, I also want to set the record straight about what my friend and predecessor then-Senator, now-Vice President BIDEN actually said in a floor speech back in 1992, a floor speech that has been widely cited as evidence of some new set of so-called Biden rules that are somehow a basis for the obstructionism we now see—a refusal to even meet with a Supreme Court nominee, let alone give them a fair hearing.

I want to take this moment because then-Senator BIDEN has been quoted out of context. He gave—I am sure this will not surprise some in the Chamber—a somewhat long and winding speech. There was no Supreme Court vacancy at the time. He was simply observing what might happen if there were to be a vacancy. While he did, early in the speech, give some comments that have been now used, he also gave at the end of his speech a section I want to read. To quote directly:

I believe that so long as the public continues to split its confidence between the branches, compromise is the responsible course both for the White House and for the Senate. Therefore I stand by my position, Mr. President, if the President [then President George H.W. Bush] consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support, as did Justices Kennedy and Souter.

In conclusion, let me remark that what then-Chairman BIDEN did speaks more loudly even than what he said. I believe his record as chairman of the Senate Judiciary Committee is unmistakable. In case after case, he convened and held timely hearings, even in the election year of 1988. It means he considered and confirmed 64 judicial nominees, as late as September in a Presidential election year. It means he voted in favor of Justice Kennedy and Justice Souter, nominated by Republican Presidents, and it means that in his speech, in the section I quoted, I think he sent a clear request to then-President George H.W. Bush to work with the Senate, send us a moderate nominee, and I will consider supporting them.

I urge the chairman and ranking member, all of us who are members of this important and august committee, to follow the actual Biden rules by working across the aisle, by consulting, and by offering a fair, open, and timely hearing for any nominee who should be proffered by our President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Delaware for clearing that up. I don't normally discuss what is said in meetings with the President, but so much has been reported by the two Republicans who were there, the distinguished Senator from Iowa and the distinguished Republican leader. Vice President BIDEN was also there, and he was very clear as to what he meant so that there would be no question. He also pointed out that right through September, 64 of the Republican President's nominees went through. I think during President Bush's last 2 years, I was chairman, and I moved 68 judges.

We see a double standard by our friends from the Republican Party when it comes to the courts of appeals judges as well as district judges. In the majority, they have allowed only 16 of President Obama's judges. Facts do speak louder than words.

I thank the distinguished Senator from Delaware for clearing up that matter.

I know the distinguished Senator from Rhode Island also has something he wishes to say, and I will yield to him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the ranking member for that courtesy. Article II, Section 2 of the Constitution states quite clearly that the President shall nominate a candidate when there is a vacancy in the United States Supreme Court. I would like the record of this discussion to reflect that the term "shall," as defined in the Merriam-Webster dictionary—the relevant definition—is A, used to express a command or exhortation, and, B, used in laws, regulations, or directives to express what is mandatory.

Under the Constitution that we are all sworn to uphold, the President of the United States has a mandatory duty. I think it is important that he accomplish it and nominate a candidate.

I ask my colleagues to imagine if there were another mandatory duty of the President of the United States that this President refused to perform—imagine the cavalcade of Republican Senators to the studios of Fox News to decry and condemn this President for that omission. This should be no different.

The President must and will do his constitutional duty. If and when he does that, then the constitutional burden of duty moves from the President to the U.S. Senate, and we will then have to decide whether we will abide by our constitutional duty, whether to follow the regular order that so many of us have articulated as an important goal, whether to follow the precedents of previous nominees, whether to act fairly, whether we are going to be an organization here, an institution, that will prejudice a nominee before we even

know who he or she is. Prejudice is at the heart of prejudice; it is not a good thing for the Senate to be doing. Finally, we will have to decide what kind of example we want to set to the rest of the world—of a country that follows the regular order as established in its constitution and has its institutions of government do their duty or as a country that will bend, twist, and dodge those responsibilities because of the demands of immediate politics.

Those are choices I will address when they come to us. For now I wish only to say that the President's mandatory duty is clear, and no one should be surprised that he performs it.

I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Rhode Island. He is a former attorney general of his State as well as a former U.S. attorney and is well familiar with what the Constitution requires, and I appreciate his urging the U.S. Senate to do its job and follow the Constitution.

Mr. President, at this point I will yield to the distinguished senior Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague and our ranking member on the Judiciary Committee not only for his friendship and his articulateness but his great work on this issue.

Just as the President has a constitutional responsibility to name a nominee to the Court, the Senate has its constitutional duty to provide advice and consent on the nominee. It is our job. It is the job of this body and specifically the Judiciary Committee to hold hearings on that nominee.

This chart says, "America to Senate Republicans: Do your job." Today we might be saying, "America to the Judiciary Committee: Do your job." The American people expect us to do our job in the Senate and in the committees and do what we are supposed to be doing.

As my colleague from Vermont has noted, the Judiciary Committee should be meeting right now at this moment, as we do every Thursday. This would have been the first opportunity for all members of this committee to debate in public the Republican chairman's unilateral decision to issue a blanket hold on an unnamed Supreme Court nominee. We hold Judiciary meetings on Thursday all the time while legislation is being debated on the floor. There were no votes scheduled. We meet every Thursday. We know why they are not meeting today. They are afraid to discuss the issue. They cannot win the argument that we shouldn't be doing our job in a public debate. They can't win the argument that the Judiciary Committee shouldn't be holding hearings. We had the meeting abruptly canceled at the last minute not because CARA is being debated on the floor—CARA is important—but because people didn't want to debate the issue of the Supreme Court. Let's face it; that is the truth.

We are not asking the Senate or the Judiciary Committee to be a rubber stamp.

I have one more point on the Judiciary Committee. We are asking our Republican colleagues to simply do their job. Hold this body and the Judiciary Committee in some regard. We can disagree on the politics, we can disagree on a nominee, but hold a hearing and hold a vote. That is what our constituents sent us here to do.

I will remind my dear friend from Iowa, and he is a dear friend, what his own Web site—the Judiciary Committee's Web site—says is its job. This was pointed out by Senator DURBIN a few days ago, but I think it is worth repeating. This is a copy of the Web site of the Judiciary Committee. Here is part of what it says when it comes to nominations.

When a vacancy occurs on the Supreme Court, the President of the United States is given the authority, under Article II of the United States Constitution, to nominate a person to fill the vacancy. The nomination is referred to the United States Senate, where the Senate Judiciary Committee holds a hearing where the nominee provides testimony and responds to questions from members of the panel. Traditionally, the committee refers the nomination to the full Senate for a vote.

This is the Web page of the Senate Judiciary Committee. It does not say you hold a hearing when you want to. It does not say you hold a hearing when you like the nominee or only when your party has the Presidency. It says: "The nomination is"—not may be; is—"referred to the United States Senate, where the Senate Judiciary Committee holds a hearing where the nominee provides testimony and responds to questions from members of the panel." It doesn't say the Senate Judiciary Committee might hold a hearing or could at its whim hold a hearing. It says hold a hearing, no qualifiers.

We ought to be holding a hearing and we ought to be debating on whether to hold a hearing now in the Chamber of the Judiciary Committee on Thursday at 10 a.m., as we have done week after week after week when other important issues are being debated on the floor of the U.S. Senate. We can do both. We can move CARA—I admit it doesn't have the funding I would like to see there at this point—and we can meet in the Judiciary Committee.

I don't understand the decision by the chairman of the Judiciary Committee, who I believe holds the same reverence that I do and the same reverence that the ranking member and former chairman, the Senator from Vermont, does for its profound and historic standing in the Senate. I would like to hear directly from the chairman about the thinking behind his decision to unilaterally decide that this committee will have no voice, no ability to examine a nominee's record and qualifications.

Earlier this week, the chairman indicated that there are some members of

his committee majority who might like to see us hold hearings. He said: As any chairman ought to do, I went to the members of my committee. They all agreed with me for different reasons, not just because I am chairman. Some had reluctance, but all signed.

The chairman indicated he would consider breaking ranks with his party leader by meeting the potential nominee, Eighth Circuit Court Judge Jane Kelly from his home State of Iowa. He was reluctant to issue the same across-the-board denial. I understand his reluctance. He is a good man. CHUCK GRASSLEY is a good man. He comes from the heartland of America and represents its finest values. I regret to say it, but I think politics are pulling him off course here, and I hope he will return because he is a good man and I understand the reluctance of Senators to sign that letter. Senators did not come to Washington to do that. The Senators know the folks out there want them to do their job.

Editorial boards across the country have castigated this policy of obstruction.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Almost every poll shows the majority of Americans favor action.

Mr. President, just one more point.

It is not right to do what the committee is doing, and I sincerely hope the chairman will reconsider his position. If Republicans truly respect the Constitution, they should follow it and consider a nomination from the sitting President rather than play political games.

I yield back to my dear friend, our outstanding leader on the Judiciary Committee, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I realize our time has expired, but I ask unanimous consent that I be able to yield the floor for my colloquy but that I be followed for 5 minutes by the distinguished senior Senator from Connecticut and that he be followed by the distinguished senior Senator from Minnesota for 5 minutes.

The PRESIDING OFFICER (Mr. GRASSLEY). I am in the Chair and probably can't participate, but I want to make it clear that I want the manager of the bill to speak so—

Mr. LEAHY. Mr. President, could we have regular order.

The PRESIDING OFFICER. I am exercising my prerogative. If I don't have that prerogative, then I object.

The Chair recognizes the Senator from North Carolina.

Mr. SCHUMER. Mr. President, may I make a unanimous consent request?

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. TILLIS. I thank the Presiding Officer.

Mr. President, I didn't have any intention to speak today, but one of the

blessings of being a freshman Member is you get the opportunity to preside and hear the arguments that are going on in the Chamber and the discussion about the SCOTUS nomination. We are going to have to agree to disagree with our friends from across the aisle on the SCOTUS nomination.

Let's take a look at what is going on here.

In North Carolina, over the past 24 hours, some four people have died of a drug overdose. We had more deaths associated with drug overdoses than we had with car accidents last year.

So what is going on here? Back in 2008, there was an opioid epidemic. There was a supermajority in the U.S. Senate. There was a Democrat in the White House and a majority in the House of Representatives. No action. In 2010, the epidemic was growing. In places in New England, in the Midwest, down in the South, people were dying. Yet there was no action.

Now this Congress has taken action. I think it is time to move the CARA bill. To hold hostage the CARA bill and shift the discussion to a genuine disagreement we have with the minority on SCOTUS is literally costing lives.

For those who sit here and want to hold up the CARA bill for the purposes of discussing the SCOTUS nomination, we don't even have a nominee yet. There is going to be plenty of time in committee and plenty of time on the floor to debate this difference of opinion between the minority and the majority. But in the meantime, for people who would hold up passing the CARA bill over the SCOTUS nomination, what are you going to tell the two people—last week, two friends of mine, when they heard my speech on the Senate floor, came to me and said: Thank you for moving this bill. I lost my son a year and a half ago.

Two of my friends have told me: Thank you for helping us increase the visibility and get to a point to where we are saving these lives.

Those who would hold up the CARA bill, what are you going to tell the first responders who, if they had naloxone, could have potentially saved the life of somebody who has fallen on the floor and died? What are you going to tell them? What are you going to tell the law enforcement officers who are trying to help people live who have succumbed to addiction and opioid abuse? What are you going to tell them by holding up this bill? What are you going to tell the parents who are struggling, who need help with education, who need help with their incarcerated children who may have succumbed to addiction, who did a wrong thing and are in prison and now need help? They need to be rehabilitated. They need to be saved.

At some point, we need to recognize that we do need to do things separately. We need to recognize that it is disgraceful to hold up the CARA bill over a genuine disagreement we are going to have for months.

I am one of the Senators in the Judiciary Committee who signed the letter. I do not believe that until we hear the vote of the people, we should hear a SCOTUS nomination. But I am not here to talk about SCOTUS today. I am here to talk about saving lives. I am here to talk about addressing the addiction problem that is growing. I am here to talk about the sad, heart-breaking stories of families across this Nation who are starving for help.

This bill helps. This bill appropriates over \$100 million that can be spent between now and the end of September to save lives. If I come to the floor tomorrow, I am going to be talking about four more lives that have been lost in North Carolina, some that could have been saved if we would just do our job. There is a lot of discussion about doing our job, right? Let's do our job and get CARA passed.

Mr. SCHUMER. Mr. President, I ask my colleague from North Carolina to yield for a question.

Mr. TILLIS. I yield.

Mr. SCHUMER. Thank you. I appreciate the courtesy. I so understand what you are saying. A week ago, I held in my arms a father whose son had committed suicide while waiting for treatment, so I understand the importance of the bill we have before us.

I don't see why we can't do both things at once. The Senator from North Carolina has sat with me while we debated important bills on the floor and met in the Judiciary Committee, and all of a sudden, at the last minute, the rug is pulled out from under that meeting. It was scheduled. The CARA bill was scheduled to be debated, and we could meet in the Judiciary Committee.

I am sure my colleague will admit that the issue with the Supreme Court is important, too, just as CARA is. So could he explain to me why we couldn't do both—have our meeting in the Judiciary Committee and let those who want to be in the Judiciary Committee speak there and let those who want to speak on CARA speak here? No votes were scheduled. I am right about that, correct? So just explain how one delays the other.

Mr. TILLIS. Mr. President, I actually was speaker of the house in North Carolina for 4 years. I like a good scrap. I don't have any problem with going to a committee hearing and explaining why I have taken the position I have on the judicial nomination. But that is not what I am talking about today. I am talking about over the next 24 hours, four more people are going to die from overdoses in North Carolina. I am trying to figure out what I say to that mother and that father to say, well, gosh, you know, things got gummed up here because we decided to connect two unrelated issues. One has to do with the Supreme Court nomination, and that is very important. It is critically important. I get that. But what is more important than saving lives of people who we

know are going to die? The data is compelling.

Folks, we have to get to a point where we get Washington working again, and you don't do it by playing chess. I am not an attorney. I am not a constitutional scholar. But I am a father and somebody who spends a lot of time in my State. I think we have reached a point where we need to get serious with it. We are creating obstacles on CARA that don't exist. People are absolutely costing lives by failing to move on this bill.

Let's have a fight. Let's have a committee hearing. I like a good scrap. I am looking forward to having that debate. I am looking forward to the history of other positions that have been taken by my friends across the aisle on how to dispose of nominations from the President. I am happy to do that. But I want this bill passed. I want to be able to go back to the people in North Carolina and say: We are doing everything we possibly can to save lives. That is what CARA does. That is why we need to act.

Mr. SCHUMER. Will the Senator yield?

The PRESIDING OFFICER. Who seeks the floor?

Mr. SCHUMER. I seek to ask another question of my friend from North Carolina.

Mr. TILLIS. Mr. President, we were supposed to be here moving the bill forward. We need to make it clear that we were going to vote on amendments on CARA today to draw down the backlog and move the bill. The Presiding Officer decided to have the meeting off the floor so that we could move judicial nominations. We weren't going to take up legislation there.

I think what we need to do is get back to the work of disposing of amendments, making the bill better potentially, and getting it to the House and getting it to the President's desk. That is what I am talking about. This is the capacity. We have limited capacity in this Chamber. You all know the procedural games you can play around here. The limitations of time are numerous. We are just creating more of that. We are gumming up the works while people are dying. One person every 6 hours in the State of North Carolina is dying from a drug overdose. If we delay by 6 hours, we are responsible for a life in North Carolina. These are lives we can save. We need to dispose of the amendments on this bill and move it to the House.

Mr. President, I apologize if I am angry, but when lives are involved, when youth is involved, I think it is time for us to do our job. Our job is to dispose of amendments and move this bill to the House of Representatives.

Thank you.

Mr. SCHUMER. Mr. President, will my colleague yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. TILLIS. Yes, sir.

Mr. SCHUMER. I ask my colleague, is it true that we have had debates in

the committee in the committee room while important discussions have been carried on here in other instances? Is that true or false?

Mr. TILLIS. I say to Senator SCHUMER, it is true.

Mr. SCHUMER. Thank you.

Mr. TILLIS. But I don't see its relevance to the task at hand. That is the problem—

Mr. SCHUMER. Will the Senator yield?

Mr. TILLIS. If I may completely answer the question, that is the problem with this process. I hear that. I see the Kabuki dances going on. What I want to do is dispose of the amendments on the CARA bill and do our job. Let's do our job. Our job is to pass legislation and in this case save lives. So I get that we need to do the other things, but let's get to the task at hand. Let's do our job. I am prepared to do the job. I will stay here all weekend long. I will work 24/7 until this bill gets passed. Why don't we focus on that and introduce a little humanity into the discussion? I get the procedural issues. We need to have the debates in Judiciary. I am perfectly happy to do that. I want this bill passed. I want Members to come down to this floor, pass amendments, draw down the queue, and send this bill to the President's desk.

Let's do our job. I am prepared to do my job today, tomorrow, Saturday, Sunday, and through all of next week if that is what it takes to get this done. I hope my colleagues on the other side of the aisle will be too.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator has yielded the floor.

Who seeks recognition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, as one who has held a lot of hearings on opioids, as one who has brought together law enforcement, the medical community, parents, the faith community, and physicians in my State on the opioid matter, I am perfectly happy that the Republicans control the schedule and perfectly happy that they want to stay here today, tomorrow, the next day, and go forth.

Mr. SCHUMER. Will my colleague yield for one more question?

Mr. LEAHY. Certainly.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

I would just ask you, our ranking member, haven't we been able in the past to hold meetings in the Judiciary Committee and debate bills on the floor?

Mr. LEAHY. We did hate crimes legislation on the floor at the same time we were doing a Supreme Court nomination. Those are pretty significant things. It can be done.

Mr. SCHUMER. One more question to my colleague. Has the leader filed cloture, which would move this to a conclusion? As best to your knowledge, has the leader filed cloture? Because if

he hasn't, we are not holding up anything.

Mr. President, I would suggest to my colleague from North Carolina that if he wants to move the bill quickly, he ought to go to the leader and say "File cloture," not say "Delay a meeting in the Judiciary Committee"; is that right?

Have you heard of the leader filing cloture yet?

Mr. LEAHY. Mr. President, my understanding is that cloture has not been filed.

Mr. SCHUMER. Thank you.

Mr. LEAHY. I would agree with the Presiding Officer. I will stay here Friday, Saturday, and Sunday and vote and pass this, I would hope with actually putting money in it so we are not just passing something symbolically without teeth.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I would ask the Senator from Vermont a question, if he would take it.

Mr. LEAHY. Mr. President, without losing my right to the floor, I yield to answer the question, yes.

Mr. GRASSLEY. Mr. President, I heard what they said about the meeting being canceled today, because we could have held the meeting off the floor and voted out three judges. So somehow that interfered with what they wanted to do in the Judiciary Committee meeting. I asked for an accommodation. I asked the ranking member for the same accommodation I gave his side when we canceled a hearing on the EB-5 Program earlier this week. And a hearing obviously doesn't take the same time away from the floor as a markup might. So consequently I am asking the ranking member if that accommodation isn't worth the accommodation that I asked today.

Mr. LEAHY. Mr. President, addressing the distinguished Member through the Chair, he is well aware of my concern and the difference between EB-5, which we debate all the time, and a Supreme Court nomination. This goes beyond apples and oranges. There is absolutely no comparison.

I think the Republicans having had a closed-door meeting where a small percentage of the Senate decided there should be no debate or discussion on a Supreme Court nomination—there is no way that having a closed-door meeting off the floor is something that—it wouldn't pass the giggle test. I think all of us, both Democrats and Republicans, would have been rightly criticized by the press if we had done that. This is anything but routine. We are talking about the Supreme Court.

I ask unanimous consent to yield 5 minutes to the distinguished senior Senator from Connecticut and then 5 minutes to the distinguished senior Senator from Minnesota.

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

The Senator from Connecticut.

Mr. BLUMENTHAL. I am always honored to be in this Chamber, and I feel immensely privileged to participate in any debate. But I must say, Mr. President, that the average American listening to the colloquy that has been conducted just within the past few minutes would regard it somewhat in disbelief, maybe dismay, because the Presiding Officer is absolutely right that the people of our States are literally dying as a result of the heroin and opioid epidemic that has created a public health hurricane, a crisis of untold proportion.

This body should and hopefully will pass a bill that will help to address that public health crisis. It is only a downpayment, only a first step, and only effective if accompanied by funding, an emergency supplemental necessary to provide the real resources to address this problem. But this body is capable of passing that bill and still debating whether there should be a hearing and vote on the President's Supreme Court nominee.

The voting on the Comprehensive Addiction and Recovery Act, also known as CARA, is within the control of the majority. That is a simple fact. As Ronald Reagan said, facts are stubborn things. The fact is that control of the votes on that measure are within the prerogative of the majority.

In the meantime, the majority also has the power and authority to say we will have a hearing and a vote on the President's Supreme Court nominee; we will do our job. That is what Senators are elected to do. That is why we have come to the floor of the Senate to say that the Senate must do its job. It has a constitutional duty. It has no discretion whether it should wait for a politically opportune time to do its job or whether it should hear from its base politically. It should do its job when the President submits his nominee.

What may be most regrettable about this debate and about the majority leadership's refusal to have a hearing and a vote on the President's nominee is that it demonstrates political machination—game playing—that threatens the Supreme Court as an institution. It endangers its credibility and trust. The Supreme Court has no armies or police force. It depends, for the enforceability of its decisions, on its credibility and trust. And when it is demeaned in the eyes of the public, when its stature is diminished, when it is dragged into the political morass of a partisan debate and partisan paralysis, its credibility and trust and its stature are vastly diminished, and its powers and institutions are in danger.

I am dismayed that these machinations tend to diminish and demean this institution where I worked for a year as a law clerk for Supreme Court Justice Harry Blackmun, where I argued cases when I was attorney general, and where I was yesterday on those steps with the same awe and admiration and, indeed, reverence that the American people should feel for an institution

above politics, higher than the ordinary give-and-take and contention that occurs on this floor and throughout the political institution. The refusal to even consider having a hearing, having a vote, having a meeting with the President's nominee endangers this institution.

Elections have consequences. We all say so. Obstruction has consequences too. The failure to consider these nominees means that critical decisions will be left undecided.

I urge my colleagues to enable us to have a vote.

The PRESIDING OFFICER (Mrs. FISCHER). The time of the Senator has expired.

Mr. BLUMENTHAL. May I have just 1 more minute?

Mr. LEAHY. Madam President, I ask unanimous consent that Senator BLUMENTHAL be granted three more minutes.

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

Mr. BLUMENTHAL. Thank you.

Madam President, I want to close with the words of Justice Scalia, who said, when he was asked to recuse himself, that leaving the Court potentially equally divided 4 to 4—that a 4-to-4 vote was to be avoided if possible. He said:

With eight justices [it] rais[es] the possibility that, by reason of a tie vote, [the Court] will find itself unable to resolve the significant legal issue presented by the case. . . . Even one unnecessary recusal impairs the functioning of the Court.

Even one unnecessary 4-to-4 vote impairs the stature and credibility and the effectiveness of the Court.

I urge all of us to move forward with the President's nominee when it is made.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished senior Senator from Connecticut, especially since he brings a wealth of knowledge here. He was one of the most noted attorneys general of his State. Also, he has that very unique knowledge of one of the most highly sought positions—a clerk to a member of the U.S. Supreme Court. In many ways, these are the people who have a closer view. So Senator BLUMENTHAL's experience as a clerk of the Supreme Court is something none of us should ignore.

Madam President, I ask to be able to yield to the distinguished senior Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I thank the senior Senator from Vermont for the opportunity to speak.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ISIS

Mr. CASEY. Madam President, I rise to discuss the United States and coalition strategy to bring about a lasting

defeat of the terrorist group ISIS, often known by different acronyms, such as ISIL, as well as Daesh. I will use the acronym ISIS.

We know that ISIS proposes a direct threat to our partners in the Middle East and is exporting its distorted, hateful ideology to other nations, including here in the United States. Beginning in 2014, I have pressed the administration to take action against the financial and facilitation networks that support ISIS. The administration has done good work, but much more remains to be done.

In mid-February, I traveled to a number of countries in the region, including Israel, Saudi Arabia, Qatar, and Turkey to conduct oversight of our strategy to cut off the financial networks that support terrorist groups like ISIS. I found that the events of the last 2 years have brought the issue of terrorism financing into sharper focus, and certainly into sharper focus for the countries in the region. ISIS attacks in places like Saudi Arabia and Qatar should be a wakeup call for gulf countries. Terrorist financiers not only support ISIS, but they present a direct threat to their own internal security and stability—the security and stability of these gulf countries—as well as other countries the world over.

While coalition partners are taking steps in the right direction, much more work remains to be done. We need to see more investigations turn into more arrests, more prosecutions, more sentencing, and more accountability in these countries that will take these criminals and terrorists off the streets. It also became clear to me on my visit to the region that we need to improve upon the international architecture that cuts off terrorist financiers and facilitators from the international financial system. As a first step, countries should seek to meet the requirements to be a member in good standing of the Financial Action Task Force, known by the acronym FATF. This is a multinational, intergovernmental organization tasked with addressing money laundering and financial crimes.

Countries also need to take steps to address the ways terrorist financiers use the black market and the gray market to facilitate their work. For example, in Turkey, my last stop on my visit to the region, I came away with the impression that the Turkish Government is not adequately prioritizing efforts to stop foreign fighter movements and the illicit smuggling of cash, oil, antiquities, and IED precursor components across its southern border. As terrorist financiers' tactics evolve, our strategies must improve and respond. For example, more work needs to be done to regulate and to cut off the informal exchange houses in countries bordering ISIS-occupied territory, which may be the primary way that ISIS gains access to the international financial system.

Much more work remains to be done, and the United States should continue

leading the effort. At every stop, I was impressed by the good work of our U.S. military personnel and diplomats. One of the highlights of my trip was the afternoon I spent at the Al Udeid Air Base in Doha.

I spent time at the Combined Air Operations Center, known as the CAOC, where elements from all U.S. services and representatives of many of our coalition partners worked together to coordinate and execute air operations against ISIS. I also received a classified briefing from the AFCEINT commander, Lt. Gen. Brown, which, of course, I cannot detail here. But General Brown has said publicly: “Successful strikes on oil facilities and on monetary centers have resulted in Daesh cutting pay to their fighters and increased the amount of money available to conduct and fund their operations.”

This is an important development. It is important to note that U.S.-led air strikes are having a profound impact on ISIS's financial operations.

As lawmakers, we must continue to critically evaluate and develop constructive policies to bring about a lasting defeat of ISIS. We cannot abdicate our oversight responsibilities. To my colleagues who say we are doing “nothing” to fight ISIS, I encourage them to go to a place like the Al Udeid Air Base, meet directly with senior leaders who are bringing the fight to ISIS, and see firsthand the incredible work of our servicemembers, just as I did in the middle of February. We need to hear directly from military commanders and national security experts before offering prescriptions like increasing troop levels in Iraq or expanding the mission sets our military is currently executing.

We owe it to these men and women to have a robust, bipartisan debate about this strategy and to vote on an authorization for the use of military force, vote on legislation to cut off financing, vote on bills to promote humanitarian aid—all of the elements of this strategy.

Rather than conducting oversight by sound bite and oversight by categorical condemnation, let's have a serious debate on this critical national security issue.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FILLING THE SUPREME COURT VACANCY

Mr. GRASSLEY. Madam President, we have had quite a discussion this morning on why the Judiciary Committee didn't meet.

We were prepared to meet the same way we often meet when there is just maybe 5 minutes of business. We meet off the Senate floor so that we can do both the work of the entire Senate and the work of the Judiciary committee. That happens often. And that's the accommodation I asked for from the minority. But they objected. Of course, they asked me to accommodate them on a hearing that I had scheduled for earlier this week on the EB 5 immigra-

tion issue. I postponed that hearing because minority members of the Judiciary Committee didn't want to have that hearing when this very important opioid addiction bill was on the floor. The heroin addiction bill is before the United States Senate with 44,000 lives being lost in a year because of that addiction. And we're considering important legislation to solve that problem. I did not get that accommodation, so I canceled the meeting.

So what we heard on the floor here, while my colleagues were holding up the opioid bill, all this talk about having a debate about the next nominee to the Supreme Court—a nominee that hasn't even been made yet.

So I come to the floor now to respond to just a couple ridiculous arguments that my friends made this morning.

First of all, we are going to have a debate about the Supreme Court and the proper role of a Supreme Court Justice in our constitutional system. We are going to debate whether or not the American people want yet another Justice who decides cases based on what is in his or her heart or whether they want a Justice who will decide cases based on the Constitution and the law. That is not my estimation of the debate; that is exactly what this President said regarding previous judges and Justices. He said he was looking for somebody who would have empathy for people who came before the Court. Having empathy for people that come before the Court means that you are supposed to do something different than what judges are supposed to do. Judges are supposed to look at the facts and the law and base their decisions on the law. They aren't supposed to base their decisions on personal feelings. We are a nation based on the rule of law. So this is what the American people have to think about and decide. They need to have a voice in this process. As Senator BIDEN said in 1992 or as Senator SCHUMER said in 2007—we are not going to consider a Supreme Court nominee during a heated Presidential election. So we have an opportunity to have a national debate. This whole debate is about whether we are going to have Justices who decide cases based on empathy rather than the letter of the Constitution and the letter of the statute.

On the second point, we have heard a lot of complaining around here—and I suspect we are going to hear a lot more—because Senate Judiciary Republicans met and then made public our decision not to hold hearings on the Supreme Court nomination during a heated Presidential election year. Give me a break.

We made a decision based on history and our intention to protect the ability of the American people to make their voices heard. We didn't play games, just as Senator BIDEN wasn't playing games when he gave that 20,000-word speech in 1992 where he said that we shouldn't have a lameduck President make a nomination during a Presidential election campaign, just like

Senator SCHUMER said in 2007 before the American Constitution Society, 18 months before George W. Bush was out of office. So that is the historical approach. Very plain and open, both Democrats and Republicans taking the same tone so the people could make their voices heard. The American people should be heard not only on who is going to fill Justice Scalia's seat, but also on the proper role of the Supreme Court and whether or not the Court ought to be a legislative body.

Like I said, we made that decision and immediately made it public. I don't remember being invited to the secret meetings that the Democrats held before they walked onto the Senate floor in November of 2013 and invoked the nuclear option so they could pack the D.C. circuit. We wanted to save taxpayer money. The D.C. circuit is the least worked circuit court in the country. Everyone knew you didn't need three more judges. That court was fairly evenly divided between liberals and conservatives. But because that court reviews the President's Executive orders and regulations, this President wanted to make sure he had enough judges on that court, so that when the court reviews the actions he takes with his pen and phone, he would get favorable rulings. So they packed the D.C. circuit, so that is why we had the nuclear option, because the other side had to get around the 60-vote rule that we had here for the approval of judges.

I also keep hearing this claim Senator BIDEN, when he was chairman of the committee, should be praised for how he handled the Bork-Kennedy episode. Now, I happened to be here in 1987. I saw what happened to Robert Bork. I saw how he was smeared. And because he was smeared, that seat remained open and was filled in early 1988. If that is the other side's argument, then I think we all know how weak their position is.

Finally, let me say this. I said yesterday and I want to say it again, the other side knows that this nominee isn't going to get confirmed. Everyone knows it. The only reason that they are complaining about a hearing on the nominee is because they want to make the process as political as possible. And that goes to the heart of the matter.

We are not going to politicize this process in the middle of a Presidential election year. We are going to let the people have a voice.

I yield the floor.

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. KING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KING. Madam President, I listened with great attentiveness to the very distinguished chair of the Judiciary Committee, whom I have the ut-

most respect for, but I feel that I must respond, given this important question that is not before this body but should be.

The first point this Senator would make is that the term "lameduck" is being used rather loosely. Lameduck, as I have always understood it, is the period between the election and a swearing-in of a successor. A lameduck Congress is the Congress before November and January. A lameduck President is the President's term between November and January. I think, as I have always understood the use of that term, to apply it to a President who is in the middle part or early part of the fourth year of his or her term is not an accurate characterization or usage of the term "lameduck."

The distinguished chairman said we are going to have a debate. I am delighted to hear that. The question is, When? I wasn't here in 1992. I wasn't here in 1987. I wasn't here in 2007. So I am trying to figure out how to respond to this situation, how to understand this situation, with reference to the Constitution.

There are lots of provisions in the Constitution that are subject to windy law review articles, to lengthy court decisions, to interpretation, to characterization of what they actually mean, what was the original intent of the Framers, and all of those complicated issues of discussion, dissection, and explication. But the word "four," as in one, two, three, four, and the word "shall," as in "shall do something," are not among those confusing terms.

I would submit that the President has a constitutional obligation to submit a nominee to this body and this body has a constitutional obligation to consider that nomination—not an obligation to confirm, not an obligation to say yes, but an obligation to consider it.

The Presidential term is 4 years; it is not 3 years and 1 month. That is in the Constitution. Article II, section 2, says the President "shall nominate . . . Ministers . . . Judges of the supreme Court . . . with the Advice and Consent of the Senate."

I would not for a minute presuppose what the decision of the Senate should be, but to argue that the Senate will not even hear the nomination, will not discuss it, will not debate it—in fact, some of the Members have said they will not even meet the person, with no knowledge whatsoever of who this person is. The President may nominate a person who is a combination of Aristotle, Thomas Jefferson, and St. Thomas of Aquinas, but he or she is not even going to be met with. I don't understand that as a matter of interpretation of the Constitution.

There is a lot of discussion about the people "should have a role" in this decision. The Constitution makes that clear. They do have that role when they elect the President of the United States for a 4-year term, not for a 3-year, 1-month term.

I can see no wiggle room on the President's obligation to submit a nominee to this body. This decision to stall this nomination, to not meet with a nominee, to not hold hearings, to not hold a debate, to not hold a discussion, has profound implications for the Court because the reality is this means the Court will be without a Justice for essentially two terms.

We lost Justice Scalia in February. The term of the Court doesn't end until later this spring. He will not be present for the final decisionmaking on the matters that have been before the Court this term. Then, if we wait until a new President is elected, the new President comes into office on January 20, 2017, and submits a new nomination almost immediately. Let's say it is within the first 2 weeks of his or her taking office. The average time for consideration of a Justice is between 60 and 90 days. We are into February, March, April, and that is into the next term of the U.S. Supreme Court. By delaying this decision, we are basically going to leave the Court without a Justice, in contravention to the explicit provision of the Constitution, for what amounts to two terms.

This Senator wants to be very clear: I am not saying that there is any constitutional obligation on this body to approve the President's nominee, but I believe there is a constitutional obligation to consider that nominee. That is really what we are debating.

I am delighted to hear the distinguished chairman say we are going to have this debate, but we ought to have it now, under the Constitution, which requires the President to submit a nominee and, I would argue, requires this body to at least consider that nominee, to hold hearings, to let the people hear who the nominee is, to hear what their views are, and to make the decision within this body whether this nominee should be approved for this incredibly important, august, and solemn obligation to undertake as a Justice of the U.S. Supreme Court.

Again, "four" and "shall" are not debatable propositions. Whether or not the Senate should confirm is clearly within the discretion of every Senator in this body, but to say that we will not have the opportunity to make that decision I think is contrary to the Constitution. It is contrary to the best interests of the American people, and I am surprised, frankly, that my colleagues are taking this position. Nobody is saying how they have to vote. If they don't like the nominee, they can vote them down, but why not have a hearing, why not have a debate, why not have a discussion, why not find out who this person is? The President may nominate someone who is of great appeal to both sides of this body.

I would hope that the distinguished chair of the committee would reconsider his decision—the committee's decision—to not even hold a hearing and to carry out what I believe is the obligation to at least hear the nomination—not approve it, but to at least

hear it—and therefore let the American people participate in this discussion. Therefore, let the American people participate in this discussion. But let's also follow the explicit provisions of the Constitution that require the President to submit a nominee and, I believe, require us to at least consider it, if not approve.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, I come to the floor to talk about the pending legislation, which is very important. It actually enjoys broad bipartisan support, and I am optimistic we can get it done.

Before I talk about that, I wish to comment on some of the things that have been said on the floor with regard to the vacancy created by the death of Antonin Scalia.

First, the Democratic leader, Senator REID, clearly wants to apply a different set of rules when Republicans are in the majority than he did when Democrats were in the majority. That is very clear.

People may get lost in some of the arcane and convoluted nature of the arguments we make on the floor, but the American people understand hypocrisy when they see it. Clearly, in 2005, when President George W. Bush was President, Senator REID made this statement:

The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give Presidential appointees a vote.

We actually agreed with Senator REID then. But to have him come to the floor and lambaste the chairman of the Judiciary Committee and others in a very personal way is surely beneath the dignity of this body and of any Senator. Somehow the Democratic leader feels as if the rules that apply to the rest of us simply don't apply to him. He comes to the floor and tries to provoke fights.

We actually have some important work to get done, and we will get it done on this Comprehensive Addiction and Recovery Act, the so-called CARA Act.

I wish to make another point clear. Republicans on the Senate Judiciary Committee agreed in a united way to the same principle that our Democratic colleagues have argued for decades. During an election year, a Supreme Court nominee should not be confirmed. I previously had spoken about Senator JOE BIDEN making that point when he was chairman of the Judiciary Committee back in 1992. In 2005, Senator REID made that point. In 2007, Senator SCHUMER, the heir apparent to the Democratic leadership, made the same point. But, again, they feel that now the rules should apply differently under a Democratic majority than they do under a Republican majority.

We are not a rubberstamp for the President of the United States. The Constitution says as much. We can

grant consent or we can withhold consent. I, for one, am for withholding consent to the confirmation of another liberal on the U.S. Supreme Court. We have seen the types of Justices that President Obama has nominated: Justice Kagan, Justice Sotomayor—clearly on the left in terms of the balance of power on the U.S. Supreme Court. To simply give President Obama the ability to appoint somebody who is going to change the balance of the Supreme Court to tilt left for the next 25 or 30 years is simply unacceptable.

So it really doesn't make any difference who the President nominates. I am sure they will be very much in the same mold as the two Justices that he has already nominated: Justice Kagan and Justice Sotomayor. I say that with respect to them as people. They are entitled to their opinions just as we are, but their decisions make fundamental changes in the United States. And it is not just for a term of office; it is literally for a generation. We are not going to stand by and allow President Obama—on his way out the door as a lameduck President—to change the balance of power on the Supreme Court for the next 25 to 30 years.

Madam President, now to a more pleasant topic. I actually have been encouraged, despite the disagreement we have with our friends across the aisle on the Supreme Court, to see that there is interest in actually getting some work done. I hope that does not cause us to fail to do our duty when it comes to places we agree on, such as the Comprehensive Addiction and Recovery Act.

This bill has been the result of a lot of hard work and bipartisan discussions. I thank the leadership and chairman of the Judiciary Committee, Senator GRASSLEY, as he made this a priority. This wasn't just for Republicans who were proposing we move on this legislation. Senator KLOBUCHAR and Senator WHITEHOUSE on the Democratic side, and Senator PORTMAN, Senator TOOMEY and Senator AYOTTE on the Republican side brought this to everyone's attention, primarily because of the devastating impact of the opioid prescription drug abuse problem and the heroin problem in their parts of the country, but it affects the whole country.

I am thankful that the Democratic leadership understands that this legislation should not be taken as a partisan hostage because it is about helping to restore communities and families from the effects of drug addiction and it is about stemming the tide of a massive epidemic of opioid drug use and addiction that continues to claim lives across the country. It is an example of how in the 114th Congress, since the beginning of last year, we have actually been able to work together with our colleagues across the aisle.

Before that, under the leadership of the Senator from Nevada, this institution was deadlocked. It wasn't just when Republicans were in the major-

ity. When Democrats were in the majority, even they could not get votes on amendments. It is pretty hard to explain that back home: Yes I am in the majority, but it doesn't make any difference in terms of my ability to get things done for the people I represent.

I actually am very pleased that we have been working our way through this legislation and other legislation that could help advance good policies that positively impact the lives of the American people on a daily basis.

Madam President, another effort we have worked on in the Judiciary Committee has to do with the intersection of mental illness and the criminal justice system. I recently met with a number of major county sheriffs, and I was introduced to the sheriff of Los Angeles County. He said: I am the largest mental health provider in the country—the sheriff of Los Angeles. The fact is, after we deinstitutionalized people with mental illness, basically there was no safety net for them, no continuing treatment for their needs, so they either end up in jails or living homeless on our streets.

I have introduced legislation, and Chairman GRASSLEY allowed us to have a hearing on it. I think it was very instructive. It was also very interesting. I say this to my friend from Maine: It is one of the few times we have actually had a consensus panel of witnesses. I think on some committees in the Senate that is a common practice, but usually in the Judiciary Committee things are so polarized that we rarely have a consensus panel. But we did on the issue of mental illness.

Reforming our country's mental health system has become an area of real bipartisan consensus as well, along with criminal justice reform. In order to protect our communities and to get help to the people with mental illness, we actually need to act.

What has also become clear is that many people who struggle with mental illness suffer from addiction and substance abuse. In many instances they self-medicate. They have a mental illness, they cannot deal with it, they are not getting the prescriptions they need from their doctors, so they end up drinking or taking drugs. These are so-called co-occurring disorders. It is estimated that more than 10 million Americans suffer from both addiction and mental health disorders—co-occurring disorders. Unfortunately, many mental health services such as specialty courts—drug courts, veterans courts, and the like—have operated on separate tracks and treat only one aspect of the problem. Someone with a history of drug abuse and mental illness may be sent to a drug court where their mental health needs are not taken into account. By definition, a drug court deals with people with drug problems, not necessarily mental health issues. When that happens, the underlying problem isn't addressed at all.

I have submitted an amendment to this legislation that will address this

common link between mental illness and substance abuse in the criminal justice system. It would direct existing programs to apply to co-occurring disorders as well, so that people suffering from both addiction and mental health problems are not seen and treated for just one of those problems. It seems as if it makes sense.

It would also expand substance abuse and transitional services to help people suffering from co-occurring disorders to receive the appropriate treatment they need in order to get back on their feet.

This amendment has been cosponsored by the chairman of the Health, Education, Labor, and Pensions Committee, the senior Senator from Tennessee, whom I thank for his important contribution to this effort. It also has the support of many stakeholders around the country, including the National Alliance on Mental Illness and the National Association of Police Organizations.

I hope, when the time comes, our colleagues will support this amendment as a commonsense measure that will help those suffering from both mental health and addiction problems, and I believe it will make the underlying bill that much stronger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

FILLING THE SUPREME COURT VACANCY

Mr. DONNELLY. Madam President, I rise today to talk about the vacancy on the U.S. Supreme Court. Following the passing of Supreme Court Justice Antonin Scalia—and our condolences to his family and our gratitude for all his hard work on behalf of his country—the time has now come for the President to nominate a new Justice and for the Senate to do its job and to review, consider, and either confirm or reject the President's nominee. That is our job.

Hoosiers don't ask much, but they do expect common sense. Do your job; treat people fairly. That is what we expect from neighbors, friends, and family, and it is certainly what we expect from those elected to serve us in Washington.

Back home in Indiana, we have a proud tradition of Senators who have embodied that approach by looking beyond partisanship and giving full and fair consideration to a President's nominee. They don't have to vote yes, they don't have to vote no, but we should at least listen and do our job. That is what the people of Indiana elected me to do. That is what people across the country elect my colleagues in the Senate to do, even when the timing is inconvenient for one side or the other.

The confirmation of a Supreme Court Justice should not be taken lightly, and it deserves careful consideration and open debate.

Senators, using their best judgment, are free to ultimately reject whomever the President nominates. But to refuse

to hold a hearing? To refuse to consider any candidate? I know my colleague from Maine talk about Aristotle or Aquinas. They might be two good candidates for the Supreme Court. But to not consider any candidate before the President has even chosen a nominee is a dereliction of our most basic duty to faithfully serve our country.

Some of my colleagues have been steadfast in promising they would not meet with a nominee, let alone hold a hearing or allow a vote—would not even meet. Common sense tells you that is not right. I hope they will reconsider their position.

U.S. Senators, myself included, were elected to do a job, to do a job for our Nation—not only when it is convenient, but every day, every day we have been hired by the people back home to work here to stand for our country. That job includes considering and voting on nominees to the Supreme Court. Let's do the job we were elected to do.

Madam President, I yield the floor.

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

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

Mr. BARRASSO. Madam President, there has been a great deal of discussion on the floor of the Senate about the current vacancy on the Supreme Court. Democrats want to fill it immediately. Republicans are much more interested in making sure the American people have an opportunity to weigh in on this very important decision.

This is a lifetime appointment—a lifetime appointment—and the stakes could not be higher for our country. So it is perfectly reasonable to wait for the next President to make this critical nomination. It is also exactly the precedent that Democrats in this body, in the Senate, created for situations just like this one.

First of all, let's remember it is not uncommon for there to be a vacancy on the Court. Sometimes the seat can be empty for even more than a year. There are eight Justices now. Two of them have already said they can handle the work that is available in front of them now with the seat vacant.

Justice Alito said so, as did Justice Breyer. Now Justice Breyer, of course, was appointed by President Clinton. When Justice Breyer was asked the other day about the death of Justice Scalia, he said: "We'll miss him, but we'll do our work." He has said: "For the most part, it will not change." So there is no urgency to fill this vacancy on the Supreme Court right now.

Second, we should acknowledge that the process of nominating and confirming a Supreme Court Justice has become very partisan. It has also become very political. Some Democrats

in this Senate have spent the last three decades undermining the way these appointments used to be made. It started in 1987, when Senate Democrats launched an all-out assault against the nomination of Judge Robert Bork. It got so bad that the dictionary even created a new word. The word was to "bork" someone. It means to obstruct someone by "systematically defaming or vilifying" them.

Then, in 1992, Senate JOE BIDEN came down to floor of the Senate to explain his rule, the Biden rule, for Supreme Court nominations. He said that once the Presidential election is underway, "action on a Supreme Court nomination must be put off until after the election campaign is over." That is the Biden rule.

You can't get any clearer than that. JOE BIDEN was the chairman of the Senate Judiciary Committee at that time when he announced the Biden rule. You know, he was not all that worried about having only eight Justices for a while. Senator BIDEN said that a temporary vacancy on the Court "was quite minor compared to the cost that a nominee, the President, the Senate, and our nation would have to pay for what would assuredly be a bitter fight."

Well, if the fight would have been bitter in 1992, it would be even worse today. Today, we have had another 24 years of Democrats continuing to politicize the process. Just days after George W. Bush became President, Senate Democrats vowed that they would use—in their words—"whatever means necessary" to block the President's judicial nominations.

Democrats went so far as to try to filibuster a Supreme Court nominee. That was the first time in the history of the Senate that they ever tried to filibuster a Supreme Court nominee. It was the nomination of Justice Alito in 2006. The Democrats failed. Even though they failed, it set a new precedent.

Some of the leaders of that filibuster were Senator Barack Obama, now President; Senator Hillary Clinton, then-Secretary of State, now-Presidential candidate; and Senator JOE BIDEN, now-Vice President of the United States. Senator REID voted to filibuster as did current Senators DURBIN, LEAHY, and SCHUMER, all part of the filibuster of the Supreme Court nomination of Justice Alito by George W. Bush.

That is the history of how our confirmation process became so political; that is, three decades of Democrats politicizing the process. That is the precedent for where we are today. Those are the rules we will follow today.

On top of all of that, President Obama has spent 7 years ignoring Congress. He has made the confirmation process more confrontational and more contentious every step along the way. The President illegally made what he called recess appointments to the National Labor Relations Board. He even

did it though Congress was not in recess.

I use the word “illegal” because the Supreme Court struck down this action by President Obama. The vote was 9 to 0 that the President acted illegally. Even Democrats in Congress have said they think the President has gone too far with some of his Executive actions. So it is clear that Senate Democrats and President Obama have been injecting politics into the confirmation process for many years.

Today they seem to wish that they hadn’t done it. Well, these are the rules they wrote and these are the standards they set. The Senate will follow these rules. We should wait until next year to take up this important decision. Let the American people consider it as part of deciding who to support in November. Let the new President make this lasting decision without the political influence of the election hanging over it. It is not the job of the U.S. Senate to rubberstamp the President’s nomination. The job of the Senate is to protect the Constitution and to serve the American people. That is the oath every one of us has taken in this body. We have a process for nominating and confirming Justices to the Supreme Court. It is a system the Democrats created and now they should be willing to follow the rules they wrote themselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I rise to speak for the second time about the Supreme Court vacancy, and I do so not callously, not spontaneously but after 23 years of service on the committee. I like to believe I have some experience and some knowledge about how these matters have been handled in the past.

I truly believe we have an obligation to consider a President’s judicial nominees no matter when, and I wish to speak about why that duty is so important—particularly for the Supreme Court—and the consequences of not fulfilling it. To be very candid, I am shocked at the supreme nature of what is happening because of what I believe its impact is going to be in the next year.

Since the Judiciary Committee started holding hearings on Supreme Court nominations in 1916, not a single nominee for a vacancy has been denied a hearing—ever. Even during Presidential election years, the Senate has done its job.

In 1988, President Reagan’s final year in office, Senate Democrats confirmed Justice Kennedy. Three years later, 1991, Justice Thomas was confirmed

after the Presidential campaign had begun. Democrats could have said no hearing, no committee work, no vote, no consideration by the full Senate, but that didn’t happen. The nominations were processed and they were confirmed.

So why is it so important that we do our job? Why is an eight-member Court unable to function to the highest and best use of the U.S. Supreme Court? Ties in the Supreme Court create uncertainty in the law. Important legal questions go unanswered. The law varies then, throughout the country, and people and businesses often fail to receive justice. I wish to review just some of the examples where an incomplete Court was unable to levy justice. There are several examples of the importance of nine Justices, if one looks at recusals over the past few years.

No. 1, in 2010, Justice Kagan recused herself from *Flores-Villar v. United States*. This case was going to decide whether a United States citizen father must reside in the United States longer than a United States citizen mother in order to confer citizenship to his child born abroad. The court deadlocked 4 to 4. The result is a child in one part of the United States may be considered a citizen while another in the exact same situation in a different judicial circuit may not be a citizen. This issue remains unresolved today.

No. 2, in 2000, Justice O’Connor recused herself from *Free v. Abbott Labs*. The court should have determined how many plaintiffs in a Federal class action suit must meet a certain damage threshold for the case to proceed in Federal court. Again, the Court deadlocked 4 to 4. Because the case was left undecided, a later Eighth Circuit case—the circuit covering Iowa and other Midwest States—was thrown out. That meant 30,000 individuals claiming damages from a nearby refinery were denied justice in the Federal court; this, even though the company admitted releasing lead and other pollutants into the air. The issue was resolved by another Supreme Court case, but it was 5 years later and that was little consolation to families who didn’t receive justice in Federal court in the interim period.

No. 3, in 2007, Chief Justice Roberts recused himself from *Warner-Lambert v. Kent*. This case was meant to decide whether individuals can sue for injuries caused by defective pharmaceuticals when the drugmaker allegedly hid information from Federal regulators. The 4-to-4 tie in that case failed to clarify the law, which still varies across the country today.

Let me give an example. Plaintiffs in the Sixth Circuit are now unable to sue for personal injury in this situation, while individuals harmed in the same way by the same drug in States covered by the Second Circuit are allowed to do so.

No. 4, in another case in 2007, *New York City Board of Education versus Tom F.*, Justice Kennedy recused him-

self. The deadlocked Court failed to rule on whether special needs children must first attend public school before they receive tuition reimbursements to attend a private school better equipped to help them learn. This meant courts in different States treated these children differently. The issue was eventually resolved, 2 years later—2 vital years of schooling that children may have missed out on.

No. 5, in 1987, before Justice Kennedy took his seat, the Court heard *U.S. v. Carpenter and Winans*. The case, which came in advance of that year’s stock market crash, involved defendants convicted of securities fraud based on allegations they misused information from a *Wall Street Journal* investment advice column. The Supreme Court failed to determine whether the action could be a basis for prosecution. The law was left unclear for 10 years, during which time some lower courts overturned criminal convictions for this sort of fraud.

These are just a handful of cases that illustrate how an incomplete Court can’t fulfill its duty and why the Senate must do its job and fairly consider this President’s nominee. To leave the Supreme Court in this situation for a year and some months is, in my view, unconscionable.

So why is it happening? I actually can’t come up with any reason to refuse to review Obama’s nominee other than politics. The only explanation is that Senate Republicans want to deny this President the ability to fulfill his constitutional obligations, and this isn’t the only evidence of such targeted obstruction. It has been a sustained course of action for more than a decade now.

During the Clinton administration, more than 60 nominees to the Federal courts were blocked by a Republican Senate. Many weren’t even given a hearing. A comparison with the final years of President Bush’s term is particularly telling. In the 2 final years of the Bush Presidency, the Democratically controlled Senate confirmed 68 judicial nominees. That included 10 confirmations in September of his final year in office. So 8 months from now, back in the Bush years, the Democrats in control were confirming Bush appointments. So far, over President Obama’s final 2 years, Republicans have allowed confirmation votes on only 16 judicial nominees. Think about that—11 confirmations in President Obama’s second-to-last year versus 10 confirmations just 4 months before President Bush left the White House. I think the inequality here must sink in. People must begin to understand that.

The length of the process has also ballooned. Under President Bush, the median number of days between committee and floor votes was 14 days—2 weeks—for circuit court nominees and 19 days—3 weeks—for district court nominees.

For President Obama, the corresponding length between committee

and floor votes for circuit court nominees was 84 days—2½ months—and for district court nominees, 98 days. So we see immediately the difference between how the sides are handling judicial appointments of a President that may have been in the other party.

Most of these nominees were eventually confirmed by unanimous or near-unanimous votes. So that shows no need for extended delays. There were no problems with the nominees to deserve extended delays. When President Bush left office, there were 34 vacancies. That is a vacancy rate of 3.9 percent. Today there are more than 81 judicial vacancies, nearly 10 percent of all article III judges.

Republicans have clearly decided not to do their job, and the American justice system is going to suffer for it.

One thing I don't like to do or make is anything that can be described as a threat, but I will be candid with you because I don't think I am a firebrand. I don't think I am that partisan, but when this is done with the Supreme Court, it signals a whole other level of malevolent obstruction. One thing I have learned in my 20 years is what goes around comes around.

To do this, to keep this seat vacant for over a year because it is the fourth year of President Obama's term makes no sense at all. As I said, it is unconscionable. If you don't think an eight-member Court is a problem, you really don't need to take my word for it. Let's listen to the Justices themselves. Justice Scalia, in deciding not to recuse himself from a case in 2004, said the Court would be "unable to resolve the significant legal issue presented by the case." He pointed to the Court's own recusal policy, which remains in effect today. It says that "even one unnecessary recusal" limits the Court's ability to function.

One can interpret from that that by not doing their job, the Republican side of this aisle is certainly limiting the Court's ability to function. I am not sure the other side should want that on their shoulders. I am not sure what may come up this next year—the degree to which justice would be denied in a 4-to-4 Court, but justice would certainly be denied, and it is probably going to happen.

Judge Rehnquist said it in 1972—when he warned that a divided Court "would lay down one rule in Athens, and another rule in Rome."

So here is the conclusion. A President is elected to a 4-year term—both sides of this aisle know that—but today Republicans are in effect saying that a Democratic President only gets 3 years of judicial confirmations if a Supreme Court vacancy comes before it. That is not what the Constitution says. All of us swore an oath to fulfill the Constitution, and I truly hope my Republican colleagues will stop, will think about this, will think about what will happen next year if this President is denied this appointment for the remainder of this year and a judgeship is

certainly delayed way past that point. I think to deny this goes against both the spirit and the letter of our duties as spelled out in the Constitution of the United States.

Once again, I would say, please, Republicans in this House, do your job.

Madam President, I yield the floor.

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. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PORTMAN. Madam President, I am pleased to see that on the floor we continue to make progress on the Comprehensive Addiction and Recovery Act. The legislation before us today, yesterday, and this week has been about how to deal with this growing problem we have around the country. It is at epidemic levels of heroin and prescription drug abuse, addiction, and overdoses.

Today, while we are talking about this legislation on the floor of the Senate, we expect over 100 Americans will die—die from overdoses of addiction, overdoses of heroin or prescription drugs. This is a problem that doesn't just affect my State of Ohio, although we are one of those States that is most severely impacted. It affects every single State represented by everyone in this Chamber. That is why, over the past few years, you have seen this body together, Republicans and Democrats alike, to address the problem.

Senator WHITEHOUSE and I have been the coauthors of this effort, but so many others have been involved. Senator AYOTTE, Senator KLOBUCHAR, Senator FEINSTEIN—who is on the floor right now—have been supportive of the legislation but also improved the legislation with an amendment which was accepted earlier this week dealing with the international drug cartels. There is an effort in this body to take on this issue, not in a partisan way but in a totally nonpartisan way.

Last week I was in Ohio meeting with groups, talking about various issues. Every single place I went this issue came up. I was on a plant tour, and people talked to me about it. We had a townhall meeting at that factory. At the end of the townhall meeting—after talking about taxes, energy, health care policy, and other issues—I asked for a simple show of hands of how many people have been affected where their families or friends have been affected by this new opiate addiction issue, heroin and prescription drugs. Half the hands in the room went up. They went up because this is something that is tearing at our families and our communities. It is devastating so many of our communities. The cost to the taxpayers is also tremendous.

I went to a hospital and what they wanted to talk about was how the

emergency rooms are being filled with people who are overdosing or abusing drugs. I have been to three different hospitals in our State that are doing amazing things to care for those babies who are being born with addictions. There has been a huge increase in my State of babies who were born with an addiction to opiates because of their mothers being addicted during the pregnancy. They have to take these babies—some of whom are so small they can fit into the palm of your hand—through the withdrawal process. We don't know what the long-term consequences are for many of these babies because this is such a new issue, but we know this is something that is tearing at our communities. It is time to address this issue. There has been a recognition of that, and I am very encouraged by the progress we have made this week on this legislation. I hope we can find a way to get to the final amendments and get the legislation passed because it is urgent we deal with this.

The House of Representatives has their own legislation. It is also called CARA—Comprehensive Addiction and Recovery Act. It is bipartisan also. We believe if we can pass this bill with a strong vote—and we had an 89-to-0 vote to get on the bill itself to move to the legislation, which was very encouraging—Senator WHITEHOUSE and I believe we will get a strong vote in the House as well, and we can get it to the President's desk for his signature and begin to reverse this trend.

The legislation is something that went through a unique process around here, which is bipartisan or even nonpartisan from the start and a process of bringing in experts from all around the country. Rather than us saying we know all the answers, we are going to write this legislation, we said let's hear from others. Senator WHITEHOUSE and I, Senator AYOTTE, Senator KLOBUCHAR and others held a series of summits here in Washington. We brought in people. Many of us have done this in our States as well, but here in Washington alone we had five of these conferences in 2014 and 2015. We brought experts in from around the country, but we also relied on expertise from the administration.

In April of 2014, we held a forum on criminal justice and how it is affected by this issue and treatment and alternatives to incarceration. One of the things this legislation does is it encourages diversion out of the criminal justice system for those who are addicts and gets them into treatment. It was an excellent forum. It featured Michael Botticelli. In my view, he has been a very effective Director of the Office of National Drug Control Policy. He is called the drug czar. This is within the White House.

Michael Botticelli came as a representative of the White House but so did a representative from the Drug Enforcement Agency and gave his great input.

In July of 2014, we held another forum. This was on how women are impacted by this drug epidemic, looking at addiction and treatment responses. We talked about pregnant women being addicted and their babies. Again, this forum featured Michael Botticelli, who is Director of the White House Office of Drug Control Policy.

In December 2014, at the end of the year, we held another forum. This was on the science of addiction and how we can potentially address the collateral consequences of addiction. This forum featured Dr. Nora Volkow, Director of the National Institute on Drug Abuse in the Obama administration. It also included the Department of Justice and Substance Abuse and Mental Health Services Administration officials. SAMHSA was there. DOJ was there. By the way, again, Director Botticelli was there as well. I appreciate him coming to that forum, which was very helpful to us.

Last year, in April of 2015, we held a forum on our youth and how we can better promote drug prevention as well as to develop communities of recovery for those who are suffering from addiction. Prevention and education is a big part of our legislation. Clearly, we need to do a better job to get people to make the right decisions to avoid getting into the funnel of addiction in the first place. This forum featured officials from the Office of National Drug Control Policy in the Obama administration. It also had officials from the National Institute on Drug Abuse.

Lastly, in July of 2015, we held a forum on the impact of substance abuse and PTSD on our veterans. It focused a lot on the issue of addiction and the high rates we see sometimes of mental health and addiction coming from some of our returning veterans. This forum featured one of the giants in this field, GEN Barry McCaffrey. General McCaffrey and I have worked together since his days as Director of the Office of National Drug Control Policy in the Clinton administration. He is not just a giant in this field, but he gave us great input as to how to write good legislation to help us with regard to veterans courts, which we have as part of this legislation where veterans can get the help they need to get their lives back on track. That forum also featured officials from the Department of Defense, Department of Veterans Affairs, and the Office of National Drug Control Policy.

From all these participants in this process, we received a lot of great feedback. It helped guide us as we wrote this legislation. In fact, we went back and forth with legislative language with all these experts in the Obama administration, as well as experts from around the country. This legislation is supported by over 130 groups—including those representing people who were in the trenches—providing treatment, providing services on prevention, law enforcement, and doctors. Those who are involved directly in this issue have

given us a lot of guidance, but that included the expertise of these experts in the Obama administration. I am appreciative for that expertise and for their support of our efforts.

Because it was such an inclusive process, because it was a bipartisan process, because of the encouragement and the assistance we received from the drug experts in the Obama administration, when we introduced this bill, we actually said: OK. Here is our final product. After the back-and-forth on all the legislative language and with all the experts, this bill received a lot of support immediately on a bipartisan basis.

As I said earlier, indeed, 130 national anti-drug groups now support it in part because they helped write it, in part because some of those who might not have been intimately involved in the process are looking at this problem and realizing this is a solution that will really help.

We also have dozens of groups from my home State of Ohio that support it, in addition to the 130 national groups, from the Fraternal Order of Police to the National Attorneys General Association, to the folks who are involved day-to-day in helping to deal with this issue at their local level.

I believe it was the day before yesterday that we received a Statement of Administration Policy from the political officials at the White House on the CARA bill, and I have talked about how the administration and their experts have been so helpful, but despite all the work they have done to support this bill, the White House did not issue a Statement of Administration Policy that supported the legislation. It didn't oppose the legislation, but instead it said that the drug epidemic would not be greatly affected by this legislation unless there was substantial new funding provided. This is kind of incredible given that this is the legislation we all worked on together. I know there is a difference between the political folks at the White House and the people who actually know the issue and are experts on the issue, but I hope we can get a strong statement of administration support for a bill that was drafted with them on a bipartisan basis with myself, Senator WHITEHOUSE, Senator KLOBUCHAR, and others, but we will see.

I support additional funding over and above the \$80 million of new funding that CARA provides for, and not just for this year but for next year and the year after that and the year after that. It is an authorization bill that is extremely important. I supported the Shaheen amendment yesterday, but it is factually wrong to say, as some of my colleagues have claimed and the White House seems to be saying, that there is not funding for these CARA programs. In fact, we have already appropriated, as my colleagues know, significantly more spending for this opioid problem for this fiscal year that we are in. Not a penny of that has been spent yet, by the way—over \$120 mil-

lion of additional spending. That \$120 million of additional spending is targeted on ways to spend the money more wisely through CARA because we worked with the appropriators and the Judiciary Committee to ensure that was the case.

Again, having said that, I would have loved to have seen more funding over and beyond that provided by an amendment that was offered by my colleague Senator SHAHEEN yesterday because I think that would have helped even more, but that doesn't mean we shouldn't strongly support the underlying CARA bill. In fact, my colleagues who endorsed it and voted with us, as well as my coauthor Senator WHITEHOUSE and others, agree with that because this bipartisan bill ensures that more Federal resources will be devoted to evidence-based education, treatment, and recovery programs that we know actually work. It is not just throwing money at the problem. This is actually legislation that we know works to address the problem based on all the background I just mentioned about getting all the expertise.

Again, these groups out there that are in the trenches every day working on this issue are the ones who will tell you why it is going to work, but what they will say is it is going to help these young mothers battling addiction. It will help those veterans who return home from duty and desperately need our help. It will help young people make the right decision. It will help that teenager struggling with drug abuse. It will help in terms of dealing with this problem we have right now where people can't get treatment because there is not enough access to treatment. It will help in terms of ensuring that we get prescription drugs off the bathroom shelves so they are not being used to get people addicted to opioids and then move on to heroin. It will be helpful to ensure that we have a drug monitoring program nationally so we know who is being overprescribed and who is not. These are changes in law that are part of this legislation.

Again, I thank the experts in the Obama administration who deal with this issue every day and strongly support CARA. On January 27, 2016—so at the end of January this year—the Judiciary Committee held a hearing on our bill. I was able to testify, as well as others, including experts. Here is what some of the leading administration experts said. First, Michael Botticelli—again, a guy who I think has been a very effective Director of the Office of National Drug Control Policy at the White House—said:

There is clear evidence that a comprehensive response looking at multidimensional aspects of this that are embedded in the CARA Act are tremendously important. We know we need to do more, and I think that all of those components put forward in the bill are critically important to make headway in terms of this epidemic.

Again, that was the Director of ONDCP.

Dr. Nora Volkow, the Director of the administration's National Institute on Drug Abuse, and a real expert, said:

We support the comprehensive program delineated, and it is one of the strategies to address the problem.

Here is Ms. Kana Enomoto. She is the Acting Administrator of SAMSHA, the Substance Abuse and Mental Health Services Administration. She said:

At SAMSHA we are so excited to be able to implement programs like medication-assisted treatment, prescription drug and opioid addiction, which Congress appropriated in 2015 and then another increase in 2016, which is very similar to some of the programs that were described in the CARA Act. Thank you, Senator Whitehouse, for your leadership on this issue and continued support of our mission. We believe that the public health approach of the CARA Act is vitally important to moving forward on this issue.

The next statement I have is by Mr. Milione. He is the Deputy Assistant Administrator for the Drug Enforcement Administration Office of Diversion Control. He said:

I am happy to work with you or anyone on any legislation that will help with this epidemic.

Again, I am thankful for these experts in the Obama administration who have put politics aside to work to support CARA. They helped us to come up with better legislation, and they support it because they know it will help support education and prevention so we can stop drug abuse before it begins. They support CARA because they know it will help with treatment and recovery and will help to reduce overdoses which will help to save lives. They support CARA because they know it will help our veterans as well as women and babies who are suffering from addiction. They also support CARA because they know there are more than 130 national groups out there that understand the importance of this bill and support it, including the National Association of Addiction Treatment Providers, Faces and Voices of Recovery, Children's Health, Children's Hospital Association, the Partnership for Drug-Free Kids, Fraternal Order of Police—again, I thank our law enforcement for stepping up on this—the National District Attorneys Association, and the Major Counties Sheriff's Association.

I understand that some folks in Washington like to play politics with everything around here, but politics has never been a part of this bill. It has been inclusive from the start and it has been bipartisan from the start. We are here to help those suffering from addiction and to save lives, and that is exactly what this measure will do. Let's get on with it and pass this legislation so we can get it to the President's desk for signature and it can begin to help.

I yield back.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Madam President, I ask unanimous consent that it be in order to call up Manchin amendment No. 3420; that at 1:45 p.m. today the

Senate vote in relation to the Manchin amendment No. 3420; and that there be no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Madam President, last Thursday I was on the floor honoring the victims of the mass shooting in Kalamazoo, MI, another shooting spree that left six people dead and two others injured, and on that very same day another shooting spree broke out in Kansas that forever changed another town—another community in this country like the change that has overcome Sandy Hook, CT, since that fateful day in December of 2012.

This was a shooting spree in Kansas that spanned several miles in nearly 30 minutes. Three people were killed. It could have been a lot more. Fourteen were wounded. The shooting spree took place in two locations as well as the Kansas workplace.

The gunman had multiple felony convictions which prohibited him from buying a firearm, but he used his former girlfriend as a straw purchaser to buy yet another military-style semi-automatic weapon that he used in the shootings. It sounds a lot like many of the other shootings I talked about on the floor.

As has been the case, I try to come down to the floor, seemingly every week, to tell the stories of who these victims are because the numbers don't seem to be moving my colleagues—31,000 a year, 2,600 a month, and 86 a day are being killed by guns in this country. My hope is that by learning who these people are and learning the ripples of tragedy that unfold after a family member is killed by guns, that maybe that psychology and connection to the emotion of these shootings will move my colleagues to do something—anything at this point—to address this epidemic.

Brian Sadowsky was 44 years old when he was killed in the shooting. He was one of three people who were killed at their workplace, Excel Industries, in Hesston, KS. Brian was remembered by his coworkers as a very outgoing guy who was always telling jokes, always fun to be around, and had a biting sense of humor. He was avidly rooted for the Pittsburgh Steelers. He wore Pittsburgh Steelers paraphernalia and gear to work almost every day. He would drop whatever he was doing in order to help his friends who were in need.

A friend of Brian's remembered him as being "a little rough around the edges" at times, but he was the kind soul who was "always there to help. He was a big teddy bear once you got to know him."

His friends said he was a recovering addict who was clean and sober for many years and was instrumental in helping a lot of others overcome addiction.

Renee Benjamin was 30 years old when she was killed. Her friend remembered her by saying that "she's smart, she's beautiful. She was dedicated to Excel. She loved that job. She loved the people. I remember the way she loved people."

"If you ever saw someone smile from the inside out, she was an inside out person," one of her friends remembered.

Another friend said:

She is a person who always gave her all into whatever she did and whoever she loved. She was so smart, but shy about it. She was so funny, so beautiful, inside and out. She was my best friend. We shared everything. We shared a life. . . . All she wanted was to love and be loved.

Josh Higbee was just a year older. He was 31. People who knew Josh said he was a loving, hard-working man. He loved to fish and spend time with his fiancée and his 4-year-old son. His older brother said that Josh was "Mr. Fix-It." He loved tractors and toy cars, anything automotive. He was a car guy. He liked to work with his hands."

His sister-in-law said that Josh was "taught to be a very loving, kind man. He has a son that he adores, takes care of. . . . Josh would give you the shirt off his back and worked long, hard hours to take care of his family."

We pay a lot of attention to these victims of mass shootings because they tend to make the news. We see them on TV, but every single day there are 86 people who are being killed by guns. A lot of them are suicides, but many of them are homicides. It is happening all across this country, and not all of them make the national news.

Andre Lamont O'Neal, Jr., died earlier this year in Louisville, KY. Andre was 8 years old and his babysitter was grilling and also had a gun in his pocket. He had slippery fingers, and when he attempted to remove the gun from his pocket, it accidentally fired. It struck Andre's arm and chest. His babysitter panicked and apparently put Andre in a car and took him to a nearby hospital, but it was too late.

Andre's father, as you can imagine, was overwhelmed. He was "a good little boy," he told reporters.

A few weeks later, Nicholas Hawkins, 19 years old and from Winfield, AL, told his mother that someone was trying to kill him. That was the last time anybody heard from Nicholas. Four days later his body was found shot to death.

He left high school because of bullying and was only 2 weeks away from completing his GED. He intended to go into cosmetology or a related field. He loved to dance, sing, write music, and play guitar. He was good with hair and makeup and described as very funny, quirky, and had a bubbly personality. His friends said he often stole the show.

Every day 86 people die in this country. You don't hear about all of them because this has just kind of become the wallpaper of American news.

Shootings have become routine. This doesn't happen anywhere else in the world, and I just want to finish by talking a little bit about this unfortunate, tragic American exceptionalism.

America has 4.4 percent of the world's population, but we have 42 percent of the civilian-owned guns in the world. We have 4 percent of the population, but nearly half of all of the guns are in this country. It used to be that about half of Americans own guns. Today only about one-third of Americans own guns, but a small number of Americans own a lot of weapons. There are more high-powered guns, like the one that was used in Kansas, than ever before.

Why does this matter? Well, it is because the United States also has more gun deaths than any other nation in the developed world, and it is not even close. This chart shows the figures of homicides by firearm per 1 million people. Australia, New Zealand, and Germany have less than two. Switzerland gets all the way up to 7.7. In the United States it is 29.7. There is no other country in the world that comes close to the United States when it comes to the number of homicides in this country. This isn't aggregate numbers. This is per 1 million people.

The reason I show you these two charts is that when you put it together, it tells a pretty interesting and simple story. Here is the chart correlating guns per 100,000 people and gun-related deaths per 100,000 people. Here is the line of correlation. It is a pretty simple story.

With a handful of outliers such as Argentina and Cyprus, the story is that the more guns you have in a country, the more gun homicides are going to occur. Here is the United States on the line, but it is an outlier in terms of the number of guns and the number of deaths—simply an extrapolation of a story that all of our other first world competitors could tell by themselves. This rebuts this ridiculous mythology by the gun industry, which tells us that if you have more guns, you are going to be safer. The solution in Sandy Hook was just that the Sandy Hook Elementary School didn't have enough firearms. If all the teachers had had weapons, that shooter would have been killed, and the best way to stop a shooter from attacking you is to arm yourself. That is not what the evidence tells us. The evidence tells us: The more guns there are in a community, the more people get killed.

I will show at another time this same chart on a State-by-State basis, and it will tell you the exact same story. A State that has more firearms has more gun homicides. You are more likely to be the victim of gun violence if you have a gun in your house than if you don't have a gun in your house.

Now, the Second Amendment is an incredibly important, vital, integral piece of the fabric of the U.S. Constitution, and I honor people's decisions to buy a weapon in order to protect them-

selves. Some people live in violent places. Some people live in very isolated places, and they have made that choice, and that is theirs to make. Of course, there are millions of Americans who own weapons in order to hunt, in order to shoot for sport, a pastime they enjoy and have the right to. But they should purchase those weapons with the understanding that there is no data that tells them they are safer with a weapon in their arm, no data that suggests that the more guns you have in a particular place, the less likely there are to be homicides and gun deaths. It is exactly the opposite.

Every single day there are 86 people who are killed in this country from guns, 2,600 a month, 31,000 a year—another mass shooting in Kansas, another one in Kalamazoo. My entire point is just to say that at some point we have to recognize that our silence has become complicity in these murders. If we are not willing to forge political consensus in this session on legislation that changes gun laws, then at least let's make a commitment to fix our mental health system to make sure law enforcement has the resources they need, to make sure we make straw purchasing illegal so the method by which the shooter in Kansas got the gun has consequences at the Federal level, potentially, as well as at the State level. Let us do something to honor the thousands of voices of victims that mount by the day.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Connecticut.

MAHAN AIR

Mr. BLUMENTHAL. Mr. President, I begin by calling attention to a private Iranian airline, designated by the U.S. Department of Treasury for its support for terrorism and funneling of weapons to Hezbollah and to the Assad regime in Syria. This airline continues to operate and even expand its international business network, despite tough words from the administration. But this kind of tough language is insufficient.

The time to impose sanctions on Mahan Air is now. The time to impose sanctions on Mahan Air is clearly now. I have called on the administration in a letter, which I helped to lead and on which I am joined by a number of my colleagues, in late February—February 29—to the Secretary of the Treasury. Sanctions might be forthcoming against this airline if this body were to approve Adam Szubin to be Under Secretary for Terrorism and Financial Intelligence, but so far we have failed to do so. His confirmation has been blocked. I regret it. Whether or not he is confirmed, sanctions should be imposed on this airline. Mahan Air relies on a host of local partners who provide financial and other services for it to maintain this robust international flight network.

So taking this action against Mahan Air will not only send a signal, it will end actions by Mahan Air that are

against international law and support terrorism and the funneling of weapons to some terrorist groups that can do harm to the United States as well as to our allies and partners abroad.

Mr. President, I also want to talk about the Comprehensive Addiction and Recovery Act. Hopefully, we will vote today in support of it. It is a great bipartisan bill. I am privileged to have worked on it as a member of the Judiciary Committee. I thank all of the members of that committee and others, most especially Senator WHITEHOUSE and Senator LEAHY, for incorporating provisions that I have helped to offer in this bill.

We heard from our colleagues around the country about the public health crisis that we face today. It is more than a crisis. It is a hurricane—almost like a public health hurricane—a natural disaster that requires us to act now. Abuse and addiction are crippling our communities, shattering our families, carrying enormous financial and human costs. The overdose deaths have steadily increased. They now surpass automobile accidents as the leading cause of injury-related deaths for Americans between the age of 25 and 64.

The United States consumes over 80 percent of prescription opioids, even though we make up only 4.6 percent of the world's population. In Connecticut, I have held roundtables across our State, and I hear again and again the tragic stories of young people who begin taking powerful painkillers when they break a leg or a wrist in a sports injury or when they have wisdom teeth removed and they receive a prescription for 30 days. They only need 3 days' worth of painkillers, if they need them at all. But the overprescription and the abuse that results from it often leads to addiction.

The gateway to addiction is these powerful painkillers that provide the beginnings of the problem. One university counselor wrote to me recently:

When I first began this position 14 years ago, it was extremely uncommon to be working with a student who abused a substance besides alcohol. Today, I have a recovery house and a program full of students battling addiction from [prescription opioids].

I have heard from mothers and families, from teachers and counselors who have struggled to find quality substance abuse treatment programs and behavioral health services for their loved ones. One mother wrote to me about her two sons. Some 8 years ago, her oldest son died from a heroin overdose after a prescription program released him early. Her younger son continues to struggle with addiction but was recently told by his insurance company that he lacked a long enough history of substance abuse to qualify for inpatient treatment.

We must address these problems, and the solution is multifaceted. Supporting law enforcement is part of the solution, with resources and with other measures that will enable interdiction

of the supplies of heroin and cracking down on the illicit supplies of painkillers. But law enforcement has told me, as a former colleague, that we are not going to arrest our way out of this problem. The jails and prisons alone do not provide a solution.

There is a need for more treatment and services. I hear that point again and again and again, but that source of solution alone will not be the panacea. There is no one solution. Education for our doctors and providers and prescribers is part of what is needed. Again, alone, no single solution is sufficient.

I want to thank the bill sponsors for incorporating the provision that I wrote with Senator COATS, the Expanding Access to Prescription Drug Monitoring Programs Act. This provision would allow nurse practitioners and physician assistants to access the information they need. Specifically, they would be able to access State prescription drug monitoring programs to consult a patient's prescription opioid history and determine if that patient has a history of addiction or is receiving multiple prescriptions from multiple sources. It is critical that we recognize the key role that nurse practitioners and physician assistants play in curbing prescription drug abuse and diversion.

I propose a number of amendments that attack other elements of this problem. I am going to continue to advocate for them, whether they are in the final package or not—and some of them may well be. I will continue the effort to make them real and adopt them as law, whether or not they are included in this measure.

Over and again, we have heard that many struggling with addiction start by abusing those prescription drugs after receiving a legitimate prescription. That is why Senator MARKEY and I have submitted amendment No. 3382, which would cut down on overprescribing opioids by requiring providers, when they apply for a license from the DEA to prescribe these controlled substances, to first complete education programs so they are encouraged to adopt responsible prescribing practices. Those practices can be as simple as keeping track and scrutinizing the use of these painkillers. Every licensee, every provider, every nurse practitioner, everyone writing out a slip of paper that enables somebody to purchase these powerful prescription painkillers would have to take a course and complete this training.

In Blumenthal amendment No. 3327, a separate measure that I am proposing as ranking member of the Veterans' Affairs Committee, there would be better access to naloxone, known as Narcan, by veterans. We have seen how naloxone or Narcan is a lifesaver. It can bring people back from the brink of death. There should be more of it. It should be more available to our police, firefighters, and first responders on the streets of Connecticut and in neighbor-

hoods and communities across the country. It is insufficiently available. It has skyrocketed in price, and there have been shortages. But I have seen how the opioid epidemic has affected, particularly, our veterans, and often, again, with overprescriptions in certain parts of the country.

We have moved to address that problem. In Wisconsin, for example, and with the great help of Senator BALDWIN, my colleague on the Veterans' Affairs Committee, we have worked to craft legislation that will help contain and cut that abusive prescription of opioids. I believe that this measure will give information to veterans and the tools they need also to prevent deaths in case of an overdose.

Much of the work of the Veterans' Affairs Committee is focused on the opioid epidemic and the Jason Simcakoski Memorial Opioid Safety Act we are working to pass into law. But safe prescribing of opioids is vital because many veterans, even when legitimately prescribed, have serious pain issues that can lead to abuse once those issues are addressed.

So I have filed this amendment that would eliminate the requirement that veterans pay a copay for naloxone kits and for education for providers as to how to use them. In other words, the providers will provide education, along with providing the prescriptions, as to how to use the Narcan kits that veterans could receive without any copay. Naloxone is necessary for those first responders, and the underlying bill includes provisions that would help to provide it, but this measure would focus particularly on veterans, where the need is great and growing greater.

I wish to point out that the cost of this measure would be less than \$100,000 per year. The savings in dollars long term would vastly exceed that amount, and the savings in lives more than justifies this, even without the savings in dollars. We are talking here about the ability to save veterans' lives. We have an obligation to leave no veteran behind, to keep faith with our veterans, and to make sure that a minimum amount of spending will enable the saving of lives.

I appreciate again the work of my colleagues in crafting this bill. I hope we will move forward in passing it and that the amendments I have suggested will be adopted to strengthen it even further.

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

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

NOMINATION OF ROBERTA JACOBSON

Mr. FLAKE. Mr. President, it has now been 7 months since the United

States has had an Ambassador to Mexico. As we all know, Mexico is our third largest trading partner. Bilateral trade totals more than half a trillion dollars. There is more than \$1 billion in two-way trader exchanges between the United States and Mexico every day.

The border States obviously enjoy a close relationship and robust trade with Mexico. My home State of Arizona exports about \$9.2 billion in goods every year. Arizona has expanded its trade relationship with Mexico by reopening a trade office in Mexico City. Mexico has reciprocated by opening an office in Arizona. Yet, for more than half of the year, we have not had a representative in place with the Mexican Government to deal with issues of mutual cooperation, issues of importance and concern.

The bilateral relationship between the United States and Mexico is not the only issue of importance, obviously, between our two countries. Transportation issues, security threats, national resource management, and environmental issues are just a few of the fronts on which we can cooperate with Mexico, and such cooperation requires a close partnership between our countries. The longer we go without an Ambassador there, the more this partnership will suffer.

The relationship between the United States and Mexico has historically been important, and previous administrations have acknowledged this by appointing top-notch candidates to serve as our envoy to Mexico. The current nominee to serve in Mexico is no exception to this historical trend. As a career member of the Senior Executive Service, Roberta Jacobson has spent more than three decades working on Latin American policy for Presidents on both sides of the aisle. She is obviously fluent in Spanish. She has earned the respect of her colleagues. I can attest to her professionalism and her experience. She was reported out of the Foreign Relations Committee by a vote of 12 to 7 in November; yet the post with Mexico City remains open 3 months later.

Our relationship with Mexico is far too important to let this post go vacant any longer, particularly when we have a qualified candidate who has been vetted by the Foreign Relations Committee and reported to the Senate with a majority of its members. I urge the Senate to take up this matter expeditiously.

I yield back.

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

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

AMENDMENT NO. 3420 TO AMENDMENT NO. 3378

Mr. MANCHIN. Mr. President, I call up my amendment No. 3420.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 3420 to amendment No. 3378.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows: (Purpose: To strengthen consumer education about the risks of opioid abuse and addiction)

On page 14, line 10, insert “consumers,” after “patients.”

On page 14, line 12, strike “prescribed.” and insert “prescribed, including opioid and methadone abuse. Such education and awareness campaigns shall include information on the dangers of opioid abuse, how to prevent opioid abuse including through safe disposal of prescription medications and other safety precautions, and detection of early warning signs of addiction.”

On page 16, line 22, strike “or”.

On page 17, line 2, insert “or” at the end.

On page 17, between lines 2 and 3, insert the following:

“(C) a sudden increase in opioid-related deaths, as documented by local data;

On page 18, line 23, strike “1997.” and insert “1997, and may also include an evaluation of the effectiveness at reducing abuse of opioids, methadone, or methamphetamines.”

Mr. MANCHIN. Mr. President, I rise today to urge my colleagues to vote in favor of my amendment No. 3420 to the Comprehensive Addiction and Recovery Act of 2015.

As my colleagues know, our country is facing a prescription drug epidemic. Every one of our States—all 50—is having a horrific problem. The CARA Act that we are working on and are about to pass is a good start to addressing this crisis, which is why I am a proud cosponsor.

My amendment simply does what you would think common sense would already entail. My amendment improves the bill by helping those on the frontlines of this terrible epidemic provide their communities with the information they need to help stop the spread of opioid addiction and help seek treatment.

It will better enable us to educate individuals about the dangers of opioid abuse, practices to help prevent opioid abuse, including the safe disposal of unused medication, and how to detect the early warning signs of addiction.

This amendment will help to save lives by raising awareness about the dangers of prescription opioid medications to prevent opiate addiction in the first place and ensuring that loved ones will know how to help when a friend or family member becomes addicted.

We have over 2 million Americans who are addicted to opioids. Many of these individuals began the road to addiction with a seemingly innocent prescription and little or no warning about the dangers from their physicians. Or it began when a friend offered a pill that they thought couldn't be

that dangerous because it was prescribed by their doctor.

There is simply too little understanding about the dangers of these drugs. Too many people get sucked into opioid addiction because they don't understand the risks. Likewise, the people close to them don't recognize the signs of addiction or know how to access the resources to help their loved ones.

The PRESIDING OFFICER. All time for debate has expired.

Mr. MANCHIN. Mr. President, I ask unanimous consent for 30 additional seconds.

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

Mr. MANCHIN. I thank Senator MURRAY, Senator ALEXANDER, Senator GRASSLEY, and all the people who have helped me in considering this bipartisan amendment with a bipartisan piece of legislation.

If we want to stop opioid addiction, we ought to start by preventing it. Preventing it starts with information and education that people do not have today. This helps every one of us in all parts of this great country.

I yield the floor. The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Mr. GRASSLEY. 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Colorado (Mr. GARDNER), the Senator from Kansas (Mr. ROBERTS), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “yea” and the Senator from Pennsylvania (Mr. TOOMEY) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 31 Leg.]
YEAS—90

Alexander	Brown	Cochran
Ayotte	Burr	Collins
Baldwin	Cantwell	Coons
Barrasso	Capito	Corker
Bennet	Cardin	Cotton
Blumenthal	Carper	Crapo
Blunt	Casey	Daines
Booker	Cassidy	Donnelly
Boozman	Coats	Durbin

Enzi	Klobuchar	Risch
Ernst	Lankford	Rounds
Feinstein	Leahy	Sasse
Fischer	Lee	Schatz
Flake	Manchin	Schumer
Franken	Markey	Scott
Gillibrand	McCain	Sessions
Graham	McConnell	Shaheen
Grassley	Menendez	Shelby
Hatch	Merkley	Stabenow
Heinrich	Mikulski	Sullivan
Heitkamp	Moran	Tester
Heller	Murkowski	Thune
Hirono	Murphy	Tillis
Hoeven	Murray	Udall
Inhofe	Paul	Vitter
Isakson	Perdue	Warner
Johnson	Peters	Warren
Kaine	Portman	Whitehouse
King	Reed	Wicker
Kirk	Reid	Wyden

NOT VOTING—10

Boxer	McCaskill	Sanders
Cornyn	Nelson	Toomey
Cruz	Roberts	
Gardner	Rubio	

The amendment (No. 3420) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. UDALL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 365; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho. Mr. RISCH. Mr. President, on behalf of myself and Senator RUBIO, from the great State of Florida, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico. Mr. UDALL. Mr. President, I ask unanimous consent to be recognized in morning business for such time as I may consume.

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

NOMINATION OF ROBERTA JACOBSON

Mr. UDALL. Mr. President, my good friend, Senator JEFF FLAKE from Arizona, appeared here just an hour or so before and also spoke on the issue that I am going to speak about today. That issue is the ambassadorship to Mexico and the woman who has been nominated by President Obama, Roberta Jacobson. Senator FLAKE made a very strong case. It has been a pleasure working with him in a bipartisan way. We believe this nomination has very strong bipartisan support, and we look forward to working together to get this to the floor and get an up-or-down vote.

So I rise again today to urge support for Roberta Jacobson. She is a dedicated public servant. She is more than ready to be our Ambassador to Mexico. The Los Angeles Times has called Roberta Jacobson “among the most qualified people ever to be tapped to represent the U.S. in Mexico.”

We have a distinguished candidate, a career member of the Senior Executive Service. She is ready to serve. We have strong support for her on both sides of the aisle. What we need now is an up-or-down vote. Once again, we failed to get one.

It is hard to explain this dysfunction when I talk to my constituents in New Mexico. They just don't understand this kind of dysfunction. They don't understand it, and, frankly, neither do I. We are a border State. This is a critical position. It is critical to our security, and it is critical to our economy.

Earlier today, Senators FLAKE, KLOBUCHAR, HEINRICH, and I met with the Hispanic Chamber of Commerce about the urgent need to confirm this nomination. Our business leaders in New Mexico, Arizona, and every other State in our country are telling us they need an ambassador in Mexico City. We have ongoing border-related business issues that need attention. From time to time, we will call on the Mexican government to take some action, to work with us on coordinating with ports of entry, infrastructure, and other important issues. We are at a disadvantage without an advocate for America in Mexico City. It is very frustrating.

This is not the first time we have faced this kind of dysfunction. I pushed for reform of the Senate rules in the last two Congresses, and we did change the rules to allow majority votes for executive and judicial nominees to the lower courts. But that does no good if they remain blocked, and that is what is happening in this Congress. The line gets longer and longer of perfectly qualified nominees who are denied a vote, denied an opportunity to be heard.

Roberta Jacobson was approved by the Senate Foreign Relations Committee months ago with bipartisan support. Yet the weeks go by, and still we wait. What is holding up her nomination? It isn't her qualifications; those aren't the problem. A big part of the problem is Presidential politics and the policy differences with the administration over her work with Cuba.

This year, we reopened diplomatic relations between the United States and Cuba. As the Assistant Secretary for Western Hemisphere Affairs, Roberta helped negotiate on behalf of the administration. After 50 years of failed policy toward Cuba, we have opened a 21st-century relationship with the people of Cuba, one that is already seeing change as more Cubans enter the private sector. And more Americans, who are our best diplomats, continue to increase their engagement with the Cuban people. I congratulate the President for leading this historic change. Some disagree. I understand that. But their objection is with the President's Cuba policy. We are talking here about Mexico and an important position that has been unfilled since last summer because a few Senators would rather return to the failed policies of yesterday and are using Roberta to make a political point.

FAIR ELECTIONS

Mr. President, just when we think things can't get any worse, they do. Now a seat on the Supreme Court is empty, and the majority leader is actually arguing that it should stay empty for over a year, no matter who is nominated by the President. This isn't governing; this is a failure to do one's job.

Is it any wonder that the American people are frustrated, fed up with political games, with obstruction in the Senate, with special deals for insiders, and with campaigns that are being sold to the highest bidder? They see this obstruction as just another example of how our democracy is being taken away from the people.

Each year we have a Student Leadership Institute in my State. High school juniors and seniors attend to learn about and discuss the challenges affecting our State and the Nation. I always look forward to meeting with these bright, young people. They are smart and committed, and they raise thoughtful points about how government works and how sometimes it doesn't work. One thing we talked about this year was how important it is to listen. This is one of the most underrated virtues, especially in politics—stating your views but also listening to the views of others. I am always optimistic when I see students engaged in that process. I only wish we could see more of it in Washington.

The art of politics is standing your ground, but also finding common ground and listening to the American people. Our democracy depends on every voice being heard and on every vote being counted. We are losing that. We have to get it back or we will continue to pay a heavy price. We can be sure of one thing: Beyond all the money, beyond all the special interests, these students and all Americans deserve to be heard, and they deserve a democracy that works.

Campaigns should be about the best ideas, not the biggest checkbooks or rigged districts. The U.S. Supreme Court created a Wild West of campaign finance regulations with their decision in Citizens United and their 2014 McCutcheon decision. It opened a fire sale of super PACs trying to buy elections nationwide. We are seeing the results—from the Iowa caucuses to local elections in Las Cruces, NM.

We need to overturn those bad decisions. That is why I have led efforts to amend the Constitution to restore power to Congress and to the States to pass commonsense campaign finance laws. We need to listen to the voters, not to the billionaires hiding in dark corners. That is why earlier this week I introduced legislation to abolish the broken Federal Election Commission.

Congress created the Federal Election Commission to fight political corruption when they created it after Watergate. But today, partisan gridlock leaves the agency powerless and dysfunctional. It even fails to enforce the few campaign finance laws remaining

on the books. The Federal Election Administration Act would create a new agency, with five members appointed by the President and confirmed by the Senate. A chair would lead the agency, and the remaining members would equally represent both political parties. It is modeled after a bipartisan proposal previously introduced by Senator JOHN MCCAIN and former Senator Russ Feingold.

Super Tuesday was just 2 days ago. Once again, we are seeing record spending, including millions of dollars in undisclosed dark money. Without a strong watchdog looking over their shoulders, super PACs and billionaire donors have free rein to push the limits.

It is clear that the FEC has outlived its usefulness. We need a new agency, one with the power and the will to crack down on campaign finance violations.

The Supreme Court has put billionaires and other special interests on a galloping horse. They are running away with our democracy—running away with our elections. We have created a dark money, special interest, gerrymandered train wreck, and the losers are the American people. That is why I have also introduced the Fairness and Independence in Redistricting Act, because part of that train wreck is the secretive and highly partisan congressional redistricting process, and we need to end it.

The President highlighted this issue in his State of the Union address, saying, "We've got to end the practice of drawing our congressional districts so that politicians can pick their voters and not the other way around." In most States today, congressional maps are drawn behind closed doors by partisan lawmakers. Their aim is to keep incumbents in office, and they do that. Pick almost any district in the country, and we will see that almost every one is skewed to favor one party or another.

We can end the gerrymandering status quo. Redistricting commissions should be independent. They should be led by citizens, not politicians. Arizona and California voted for reform, and they are already bringing new faces to Congress. The American people deserve fair elections—elections that are free of unlimited and hidden special interest money and free of rigged district lines.

Next year, I will meet again with students in my State. We will talk about leadership, about challenges, and about how government works. I hope I will be able to say to them that we have moved forward; we have reformed a broken system. I hope I can say to them that we have done our job and made sure that voters, not powerful elites, have their say.

Mr. 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. PETERS. 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. PETERS. Mr. President, I rise to speak in support of amendment No. 3391 to the Comprehensive Addiction and Recovery Act of 2015. I am proud to join Senator DAINES in filing this important amendment.

The Daines-Peters amendment would make it possible for certain dishonorably discharged veterans to be eligible for veterans treatment courts. Specifically, the amendment would allow the Attorney General to determine veterans treatment court eligibility on a case-by-case basis for dishonorably discharged veterans who have been diagnosed with service-connected post-traumatic stress disorder, military sexual trauma, or traumatic brain injuries.

Currently, veterans treatment courts are open to any veteran with a discharge other than dishonorable or a dishonorable discharge that can be attributed to substance abuse. However, studies have shown a direct connection to PTSD, TBI, and MST are a leading cause of substance abuse disorder. In general, drug courts reduce correctional costs, protect community safety, and improve public welfare. Veterans treatment courts take the work of drug courts one step further.

According to the National Association of Drug Court Professionals, veterans treatment courts bring the U.S. Department of Veterans Affairs health care networks, the Veterans Benefits Administration, the State departments of veterans affairs, volunteer veteran mentors and veterans family support organizations together in one place in order to provide support for veterans. These are resources that speak to the unique needs of this Nation's veterans.

In my home State of Michigan, Judge Michelle Friedman Appel's veterans treatment court in Oak Park is the site of weekly accountability, encouragement, and rehabilitation, and I commend her work.

Our veterans treatment court judges are committed to the well-being of this Nation's veterans, connecting them to services they need to reach their full potential. Servicemembers suffering from the invisible wounds of war who are discharged, regardless of the characterization of that discharge, truly need the assistance provided by veterans treatment courts. That is why the Daines-Peters amendment is so important. Former servicemembers, particularly those suffering from PTSD, TBI, and MST should have access to veterans treatment centers and courts.

I urge my colleagues to support the Daines-Peters amendment No. 3391.

FAIRNESS FOR VETERANS ACT

Mr. President, I wish to stay on the subject of veterans for a moment longer. Behavioral changes are often seen in individuals suffering from mental traumas, such as PTSD and trau-

matic brain injury, or TBI. Unfortunately, those individuals will often receive a less-than-honorable discharge, also known as a bad paper discharge rather than an honorable discharge. This discharge status makes veterans ineligible for certain benefits, including GI benefits and VA home loans. This is simply unacceptable, and we need to make a change. Our Nation's heroes who honorably serve their country deserve access to the care and benefits they have earned, and that is why I introduced the Fairness for Veterans Act, which will help these veterans.

The Fairness for Veterans Act will create a presumption in favor of the veteran with a bad paper discharge when petitioning the Secretary of Defense for an upgrade in discharge status based on hard medical evidence that is certified by the VA or appropriate medical professional. This bill has the support of both parties in both Chambers.

I introduced the Fairness for Veterans Act with my Republican colleagues, STEVE DAINES from Montana and THOM TILLIS from North Carolina. I appreciate the many Senators who have cosponsored the bill since its introduction, particularly Senator GILLIBRAND, who has been a champion for the bill on the Armed Services Committee.

Today, in the House of Representatives, MIKE COFFMAN, a Republican from Colorado; TIM WALZ, a Democrat from Minnesota; LEE ZELDIN, a Republican from New York; and KATHLEEN RICE, a Democrat from New York, led a number of Members introducing the bipartisan bill.

This legislation is also supported by a number of veterans groups, including Iraq and Afghanistan Veterans of America, Veterans of Foreign Wars, Disabled Veterans of America, Military Officers Association of America, the American Legion, Paralyzed Veterans of America, Vietnam Veterans of America, the Veterans Health Council, United Soldiers and Sailors of America, and the Military-Veterans Advocacy, Inc.

Improperly discharged servicemembers should not lose access to the benefits they have earned through their service. That is why we must ensure they are getting the fairness they deserve when petitioning for an upgraded discharge status. This is a nonpartisan issue, and I am committed to fighting on behalf of our Nation's veterans.

I thank the Presiding Officer.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, the bill we are debating today is an important step forward in helping to combat addiction and opioid abuse.

According to the Department of Veterans Affairs, 20 percent of veterans with PTSD also have a substance abuse disorder. Let me repeat that statistic. In our country, 20 percent of veterans, or one in five, with PTSD have a sub-

stance abuse disorder, and that is why we need to ensure that they have all the avenues to care and treatments available to them. We cannot allow them to suffer in silence. That is why I have offered two amendments to the bill that will help our veterans struggling with the invisible wounds of war.

My first amendment, No. 3390, makes sure that these veterans are not forgotten, including their struggles in the findings. My second amendment, No. 3391, allows veterans with post-traumatic stress disorder, military sexual trauma, and service-related traumatic brain injuries that received a dishonorable discharge to have access to veterans treatment courts.

I am proud to be joined by Senator PETERS in ensuring that veterans at risk of substance abuse have access to the veterans treatment courts, particularly those most at risk. We cannot turn our backs on those who answer the call to protect our country and are now struggling, many of whom are struggling in silence. We must do everything we can to uphold the promises our government made to our veterans, and I am honored to be doing just that.

I thank Senator PETERS for this bipartisan effort we are moving forward here to fight on behalf of our veterans.

I yield back my time.

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

THE PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I rise today to discuss two amendments I am submitting to S. 524, the Comprehensive Addiction and Recovery Act.

Across the country, including in my home State of North Dakota, families are experiencing the devastating effects of opioid and heroin addiction. In fact, in 2014, 61 percent of all overdose deaths in the United States were related to opioids. In North Dakota alone, overdose deaths have tripled in the past decade. It is no mystery why. In 2014, the North Dakota Bureau of Criminal Investigation seized 1,549 dosage units of opioids. In 2015, they seized 5,593. That is a 3½-fold increase in just 1 year, so an increase of more than three times in just 1 year.

Similarly, law enforcement seizures of heroin from Canada have grown exponentially. But our data about cross-border drug smuggling is limited. To battle drug abuse effectively, we need to know not just how much but how those drugs are getting into our country. The amendments I am proposing today will strengthen the overall bill by providing law enforcement with additional resources to address security vulnerabilities at the northern border that could be exploited by drug traffickers.

My first amendment allows State law enforcement to use grant funds to partner with local and Federal law enforcement agencies. In the underlying bill, the Attorney General may make grants to State law enforcement agencies to investigate the distribution of heroin and prescription opioids. My amendment allows States to use those grants to partner with local agencies, as well as the Drug Enforcement Administration—the DEA—and the Federal Bureau of Investigation.

In North Dakota, our law enforcement has faced increased challenges in combatting the flow of illegal drugs, including prescription opioids and heroin; however, our State has had a successful track record of partnering with local, State and Federal law enforcement to investigate and prevent criminal activities, specifically drug-related offenses. One successful example of these partnerships is the Bakken Organized Crime Strike Force. This task force was created in part by North Dakota's attorney general, Wayne Stenehjem, along with the Organized Crime and Drug Enforcement Task Force, to address the increased drug activity in the Bakken oil-producing region in western North Dakota.

My amendment will give States greater opportunities to partner with local and Federal agencies to investigate the trafficking of heroin, opioids, and other illicit drugs, as we have done successfully by creating these task forces in North Dakota.

My next amendment also addresses drug smuggling. It requires a study of drug trafficking in States along the northern border. While there is much attention and energy focused on the trafficking of drugs through our southern border, there are vulnerabilities that exist on our northern border as well.

My amendment directs the Secretary of Homeland Security, in coordination with the Attorney General, to conduct a study on the trafficking of narcotics, specifically opioids and heroin, in States along the northern border. The Secretary of DHS and the Attorney General must submit a report on those findings to Congress. Those findings will give Congress greater insight into the security needs at our northern border to prevent the trafficking of illegal drugs into the United States.

Opioid and heroin addiction is a scourge that ruins lives and crushes the spirit. S. 524 is a potent weapon in the fight against them. I urge my colleagues to support the underlying bill, as well as my amendments, which seek to make the legislation even stronger by increasing collaboration among law enforcement and addressing the security needs of our northern border.

With that, Mr. President, I yield the floor.

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

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

MAHAN AIR AND IRAN

Mr. COONS. Mr. President, earlier this week, I joined a bipartisan group of Senate colleagues, including Senator GRAHAM, Senator AYOTTE, and Senator BLUMENTHAL—Republicans and Democrats alike—to send a letter to the United States Department of the Treasury. In our letter, we urged Secretary Jack Lew to continue the Obama administration's necessary and vital efforts to crack down on Mahan Air, a private Iranian airline that provides support for Iran's terrorist proxies and funnels weapons to Hezbollah and the murderous Assad regime in Syria.

Mahan Air is only the latest example of a pattern of behavior we have come to expect from Iran: Supporting terrorism and conducting destabilizing activities in the Middle East, conducting illegal ballistic missile tests in violation of U.N. Security Council resolution 1929, and committing ongoing, major human rights violations.

Indeed, as we wrote in the letter to the Secretary of the Treasury: "Strong and swift sanctions enforcement is vital to hold Iran to account for its ongoing support of terrorism, ballistic missile development, and human rights violations."

Today I would like to dive further into Mahan Air activities and explain why it is important that America work with our allies to continue to push back on Iran's bad behavior and to hold Tehran to the terms of the agreement reached last summer with regard to Iran's nuclear agreement.

I will also explain why it is critical that the Senate confirm Adam Szubin, Treasury's now-Acting Under Secretary for Terrorism and Financial Intelligence, who plays a key role in pressuring our allies to push back on Iran and who, in the absence of confirmation, is weakened in that vital role. If we are serious about our shared intentions to hold Iran accountable, then this Senate must confirm Adam Szubin, and our European allies must work with us to sanction Mahan Air.

Although Mahan Air is technically a private Iranian airline, it supports the operations of the IRGC—the Iranian Revolutionary Guard Corps—the hard-line military force committed to the preservation of the revolutionary and extremist Iranian regime. Mahan Air also provides services to the Quds Force, an elite IRGC military force that is designated as a terrorist group by the U.S. Treasury Department under Executive Order 13224.

Through its ties to the IRGC and the Quds Force, Mahan Air directly and indirectly provides men and materiel to Hezbollah, a terrorist organization based in Lebanon, and to the murderous regime of Bashar al-Assad in Syria. Yet, despite these known ties,

Mahan Air is still flying into 24 airports in countries around the region and world, including the United Kingdom, Germany, France, and Italy, and it is successfully procuring aircraft and equipment using front companies—an evasive approach that mirrors Iran's strategy in a number of industries, not just in airlines.

Since October of 2011, the Treasury Department has taken key steps to sanction Mahan Air. In that month—October of 2011—Mahan Air provided travel for members of the Quds Force, who flew to and from Iran and Syria for military training, and other suspected officers who flew covertly in and out of Iran.

Less than a year later, in September of 2012, Treasury further cracked down on Mahan Air and two other airlines for a series of bad actions, including sending military and crowd control equipment to the Assad regime in Syria in coordination with Hezbollah, often under the cover of being humanitarian aid. Later, in both February of 2014 and May of 2015, our Department of the Treasury took further action against two front companies that helped Mahan Air procure equipment and parts. The 2014 action penalized personnel and companies in the United Arab Emirates who helped Mahan Air transfer money and procure aircraft and other parts.

This ongoing, long-term pattern of behavior by Iran and its IRGC makes clear why the United States and our other vital allies must work together to cut off Mahan Air's access to international markets and airports, and I commend our Department of Treasury for taking these important steps to designate Mahan and its employees.

These actions alone are important—but not sufficient. Both the United States and our European allies must do more. To start, I urge governments across the European Union to also designate Mahan Air and its many front companies for their support for terrorism.

By continuing to support Syria's violent and discredited President, Bashar al-Assad, Iran has directly contributed to the slow and grinding collapse of Syria, to the enormous humanitarian crisis that has resulted, and to the destabilization of the region. There is a direct correlation between Iran's destabilizing actions in Syria, but also in Yemen, Lebanon, and Iraq, and the migrant crisis now facing all of Western Europe. The more that Iran uses Mahan Airlines to transport the very goods that supply Hezbollah, the longer the instability inside Syria will persist and the more refugees and migrants will flee Syria toward our allies in Western Europe.

Without the support of companies such as Mahan Air and the many front companies that it depends on, Iran and the IRGC would find supporting the Assad regime substantially more difficult and expensive. We must work together to keep Mahan Air from purchasing engines, aircraft, and other

equipment for these maligning purposes.

The second step our allies can and should take is simple: to stop allowing Mahan Air to land at their airports. A company like Mahan Air, which supports terrorism in defiance of international norms, should not have easy access to international airports.

More broadly, combating Iran's destabilizing actions in the Middle East and successfully and rigorously enforcing the terms of the nuclear deal with Iran will require meaningful international coordination.

As I recently wrote in an editorial that ran in the *Guardian*, while I understand that many European companies will seek to do business with Iran, now that certain economic sanctions have been lifted in compliance with the terms of the nuclear agreement, I urge our allies to remember three simple things.

First, the United States and the U.N. continue to maintain and enforce economic sanctions against Iran. The United States' designation of Mahan Air is one of many unilateral sanctions examples, and many that we continue to keep in place.

Second, stopping Iran's quest for a nuclear weapon must always remain a top priority. We are counting on our European allies to continue to share this view and to act in accordance with it—a view that they stated they shared during our negotiations that led up to the nuclear deal.

Third, as Iran's relationship with Mahan Air shows, the Iranian Government remains a revolutionary regime with a long history of pursuing nuclear weapons and a long track record of supporting terrorism and destabilization in the Middle East.

Iran's use of Mahan Air to evade international scrutiny is yet another reminder that we must remain vigilant in our oversight of Iran. Here in the United States, we appreciate the partnership of our European allies. In fact, the strength of this allegiance and our ability to act as one were key factors that led Iran to agree to the strict terms of the nuclear agreement. We must continue to advocate for and keep front of mind the idea that the most important contract with Iran is the one we have already signed in the nuclear agreement. We must pursue every possible means of enforcing it, and that means cracking down on front companies that facilitate Mahan Air, and companies that are playing a direct role in fomenting instability in the Middle East.

Just as importantly, I urge my colleagues today to put politics aside and confirm Adam Szubin, who oversees the implementation of sanctions in the Treasury Department. With experience in both the Bush and Obama administrations, Adam Szubin is the definition of an outstanding career public servant: nonpartisan, dedicated to his job, and committed to his country. He has been widely praised by Senators of

both parties, but his confirmation has been blocked for nearly a year for reasons utterly unrelated to his capabilities or his performance of the job.

The cause of this hold is and has been raw politics, but the consequences of the hold go far beyond that.

When Acting Under Secretary Szubin sits down at the negotiating table, the individuals on the other side, whether from the private sector or a foreign government, friend or foe, should know that he speaks for the American people and has the weight of the Senate and the whole Government of the United States behind him. When Adam Szubin travels around the world to ask senior officials from foreign governments to sanction Mahan Air and its front companies or to prevent Mahan from flying into their airports, he is trying to convince foreign governments to do something difficult, but necessary. Those foreign officials should know that he speaks not just for the Obama administration but for the executive and legislative branches of our whole government and that we as a people stand united against Iranian aggression.

Let's demonstrate to our allies and to Iran that Congress takes these issues as seriously as we proclaim. Let's confirm Adam Szubin and other nominees who are vital to this effort and whose confirmations have been stalled for too long. Let's work together to crack down on Mahan Air and other Iranian avenues for sowing terror throughout the Middle East. And, in the same spirit of collaboration that led to the nuclear agreement, let's come together to rigorously enforce the terms of the deal.

Thank you, Mr. President.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I thank the Senator from Delaware, Mr. COONS, for his leadership on this very important topic. I could not agree with him more that we need to fund the IAEA, that we need to confirm Adam Szubin for the position of Under Secretary for Terrorism and Financial Intelligence, and that our European allies must join us in sanctions against Mahan Air.

The JCPOA is focused upon one clear goal: preventing Iran from acquiring a nuclear weapon. The fact that an agreement like this was able to be achieved at the negotiating table is a testament to the strong economic sanctions that were imposed on Iran in direct response to Iran's past illicit nuclear activities.

The JCPOA required Iran to complete key nuclear-related steps, verified by the IAEA, before any sanctions were removed. Iran has shipped out 25,000 pounds of low-enriched uranium, thereby tripling its breakout time. Iran has removed the core of the Arak heavy water plutonium reactor and has rendered it unusable. Iran is also limited to 300 kilograms of uranium enriched to only 3.67 percent, which is below weapons grade. These

are positive steps toward preventing Iran from acquiring a nuclear weapon.

But they came at a time when the world community possessed the most leverage, and Iran had the most to lose by not complying with the deal. Now, in the aftermath of implementation day and with certain sanctions relief provided to Iran, we must remain increasingly vigilant in our efforts to counter the Iranian regime's support for terrorism and violations of human rights of their own people.

The Iranian regime must understand that there will be consequences for violations, however minor, of the JCPOA. If Iran seeks a nuclear weapon, the world community, led by the United States, is ready to implement the snapback of sanctions in response. And if Iran attempts to test our resolve through small but persistent violations of the JCPOA, they need to be punished swiftly.

I recently traveled to Vienna, along with Senator COONS and several of my colleagues, to meet directly with the U.S. Mission to the International Organization in Vienna, including the International Atomic Energy Agency, the IAEA. The IAEA is the world's "nuclear watchdog" and the organization that, under the terms of the JCPOA, is responsible for verifying Iran's compliance with the terms of the deal. We must ensure that the IAEA, which serves as our eyes and ears on the ground in Iran, with direct access and 24/7 online monitoring capabilities of nuclear sites, has the resources necessary to execute its critical mission.

It is incredibly important that we continue to ensure strict compliance with the Joint Comprehensive Plan of Action. The terms of the JCPOA do not change, regardless of progress or setbacks in Iran's politics, and our resolve to vigorously enforce the deal will not waver. We will judge Iran's leadership by its actions and not words.

Last week, Iran conducted some elections. But let's be clear: Many of the Iranian candidates being touted as so-called moderates are labeled that way simply because of their support for, or connections to, Iranian President Rouhani. But it is important to remember that, according to the United Nations, Iran continues to "execute more individuals per capita than any other country in the world."

Executions peaked at 753 in 2014, during President Rouhani's second year in office, including those conducted in public, along with executions of women and at least one juvenile. Amnesty International has reported on continued crackdowns against artists and activists who were tortured into confessions to crimes such as "spreading propaganda against the system" and "insulting Islamic sanctities." And we know that Iran remains a leading state sponsor of terrorism.

Unfortunately, I do not believe that the election results in Iran are in any way transformational. I agree with my colleague's assessment that Iran's elections are neither free nor fair. The

Guardian Council, a top clerical body of the Iranian regime, disqualified thousands of candidates from standing for election. We cannot reasonably expect a transformational shift in Iran's foreign policy, human rights record or support for terrorism when the hardline regime elements that promote these disturbing policies are allowed to prescreen and disqualify candidates for office.

Iran's support for terrorism and the ability to foster instability in the region has serious consequences for our European allies and for our own homeland security. I served in the U.S. Navy Reserve, including time in the Persian Gulf, where I saw firsthand the Strait of Hormuz and the strategic chokepoint that exists there. Last year Iran seized a commercial vessel in the States, requiring the U.S. Navy to accompany vessels and provide security when moving in and out of the Persian Gulf. The Iranian regime is a threat not just to the Middle East but to the security and stability of the entire world.

In closing, I want to reiterate the need to confirm highly qualified nominees like Alan Szubin, who will oversee Treasury Department sanctions against Iran and the front companies used to support illicit activities, and we need to urge our allies to join us in imposing these sanctions. We need to ensure that we provide the IAEA with the resources required to do its job and conduct rigorous daily oversight of the JCPOA.

Most importantly, we must continue to provide strict oversight of the JCPOA and ensure compliance with its terms. We cannot let up or be distracted by perceived improvements or setbacks in Iran's politics. We made a commitment to the American people that Iran must never be allowed to acquire a nuclear weapon. This is a commitment we must uphold and be focused on each and every day.

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. 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.

Mr. CARDIN. Mr. President, I take this time to explain four amendments that I have filed and would like to make pending on S. 524. I understand we are in a position now that we need consent in order to have these amendments pending. I am not going to ask for consent, but I will explain the four amendments in hopes I will have an opportunity to present these amendments and have them considered by the full Senate. I know Leader MCCONNELL wants an open amendment process, and I think all four of these amendments are very much relevant to the underlying bill which is aimed at authorizing

the Attorney General to address the national epidemic of prescription opioid abuse and heroin use.

The first amendment I wish to talk about is an amendment on which I am joined by Senator CORNYN. It is amendment No. 3421, which would allow grants for 24/7 treatment centers.

I am proud to join with my colleague Senator CORNYN on this amendment, which clarifies that grants under section 301 of CARA may be awarded for the establishment and support of treatment centers that operate 24 hours a day, 7 days a week to provide immediate access to behavioral health services.

The epidemic of opioid abuse and addiction impacts every State in our country. Many of us know individuals and families who have been deeply affected by this tragic crisis. Heroin and opioid drug dependency has more than doubled in Maryland over the last decade. The number of deaths related to heroin and opioid drug dependency has increased by more than 100 percent in the last 5 years. In 2013, there were 464 heroin-related overdose deaths in Maryland, greater than the number of homicides. Some parts of Maryland have had the highest per capita rate of heroin and opioid drug use in the United States. In some regions of the State an estimated 1 in 10 citizens are addicted to heroin.

Improving access to behavioral health care—meaning both mental health and substance abuse treatment—is essential in combating this epidemic. According to the National Alliance on Mental Illness, more than half of the individuals with substance use disorders also have at least one serious mental health condition. There is often a small window of opportunity for getting an individual with substance abuse or mental health issues into treatment. If treatment cannot be provided on demand, often the opportunity is lost. Allowing grants for the establishment and support of 24/7 treatment centers providing behavioral health services on demand will help ensure those individuals in need have access to behavioral health services at the time they need it.

I ask my colleagues to join me in helping to get this amendment pending and adopted. It is a bipartisan amendment, as I said. I am joined by Senator CORNYN in presenting it to our colleagues.

The second amendment is pretty simple. It requests a GAO report on naloxone price increases. I am pleased this amendment I would offer would require a study of the most recent dramatic increase in the price of this medicine. Naloxone is a lifesaving drug that is used to reverse the effects of opioid overdose. However, according to the Baltimore City Health Department, the cost per dose in Baltimore has quadrupled over the past 2 years—quadrupled in 2 years. This GAO study would evaluate the impact of the ability of States and local health depart-

ments to reduce the number of deaths due to opioid overdose. It is a pretty simple amendment, and I would hope we could get it pending and included in this legislation because I think it would save lives.

The next amendment I wish to talk about is again a bipartisan amendment that is being offered with Senator HELLER. This amendment would repeal the therapy cap. I was in the House of Representatives when the therapy cap was imposed on therapeutic rehab services. It was included in the Balanced Budget Act of 1997 and imposed annual financial limits on outpatient physical therapy and speech-language pathology services, as well as occupational therapy services. The decision to impose those caps was not based upon data, concerns about quality of care or clinical judgment. The sole purpose was to limit spending in order to balance the Federal budget.

I was in the Ways and Means Committee room when Chairman Thomas brought this issue up to include in the Balanced Budget Act, and I asked the question: Why are we doing this? He said: Well, we need these dollar amounts to equal the numbers. I said: What is the policy reason? None could be given.

These arbitrary caps create an unnecessary and burdensome financial barrier to Medicare beneficiaries who rely on essential rehab services such as physical and occupational therapy to live healthy and productive lives. Chronic pain, which is defined as pain that lasts for several months or in some cases years, affects at least 116 million Americans each year. Physical therapy plays an important role in managing chronic pain.

Recently, the Centers for Disease Control and Prevention published draft clinical guidelines on the use of opioids for chronic pain, making it clear nondrug approaches, such as physical therapy, are "preferred" treatment paths for chronic pain. Approaches such as physical therapy "have been underutilized and, therefore, can serve as a primary strategy to reduce prescription drug medication abuse and improving the lives of individuals with chronic pain."

I urge my colleagues to join me and Senator HELLER to permanently repeal the therapy cap and ensure that Medicare beneficiaries, including those suffering from chronic pain, continue to have access to medically necessary outpatient physical therapy services.

The fourth amendment I would like to offer is in title IV of this legislation. It addresses the so-called collateral consequences. Section 402 directs the Attorney General to establish a "Task Force on Recovery and Collateral Consequences." Collateral consequences refer to a penalty, disability or disadvantage experienced by an individual because of a criminal conviction, but that is separate from the court's judgment or sentencing. The commission will study these consequences and

whether they affect the ability of individuals to resume their personal and professional lives. In other words, we are talking about reentry into society.

But we do not have to wait for the results of a commission to take action to ameliorate one of the collateral consequences of a criminal conviction. Here, I am talking about the fundamental right to vote. An estimated 5.85 million citizens cannot vote as a result of criminal convictions, and nearly 4.4 million of those have already been released from prison. So 4.4 million people in our communities are denied the right to vote. Nationwide, 1 in 13 African Americans of voting age have lost the right to vote, a rate 4 times higher than the national average. Latino citizens are also impacted in an extreme way because they are disproportionately overrepresented in the criminal justice system. States have vastly different approaches to voting with a criminal conviction. This patchwork of State laws has caused confusion among election officials and the public, sometimes resulting in the disenfranchisement of even eligible voters. Some of these State laws are a holdover from the era of Jim Crow laws, where even misdemeanor convictions could take away an individual's right to vote. In some cases, the right to vote is lost permanently, with no ability for rehabilitation. This is just plain wrong.

The amendment I wish to offer would provide much-needed information into the hands of citizens returning from incarceration. My amendment would direct the Justice Department to provide to individuals released from the custody of the Bureau of Prisons information regarding their right to vote following release. It would require notifications to individuals of the impact on their voting rights when they accept a plea agreement from the U.S. attorney and require the Department of Justice to report on the disproportionate impact of both Federal and State criminal disenfranchisement laws on minority populations, including data on voter disenfranchisement rates by race and ethnicity.

My amendment does not change any existing Federal or State voting rights laws. It does not. It simply requires the Justice Department to provide additional information to ex-offenders upon their release from prison, and it makes sure that defendants are aware of the impact on their voting rights when accepting a plea agreement. The Department of Justice study can provide us additional information on the patchwork of State and Federal disenfranchisement laws, which Congress and the States can use to make further changes in the statute.

So I urge my colleagues to have a process where this amendment, along with the other three I have discussed, can be made pending so that we can vote on these amendments. I think they all would improve the underlying bill, and it is certainly consistent with the majority leader's commitment to

an open amendment process. I hope there will be a way that I will be able to offer these amendments and the full Senate will be able to vote on these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

FILLING THE VACANCY ON THE SUPREME COURT

Mr. BROWN. Mr. President, earlier this week and last week I joined a number of my colleagues on the floor and spoke at length about the need for our fellow Senators on the other side of the aisle to do something simple—to do their jobs.

The PRESIDING OFFICER. The Senator does not have on his microphone.

Mr. BROWN. I thank the Presiding Officer.

Earlier this week and last I spoke at length about the need for my colleagues on the other side of the aisle to do their job and to move forward with hearings and an up-or-down vote on whomever the President nominates to the Supreme Court. The outcry from the public continues from every corner of our justice system. Let's just recount quickly what happened after the tragic and untimely death of Justice Scalia.

Within an hour or so, the Republican leader of the Senate said: Don't bother sending up a nominee. History suggests that we won't do this in the last year of the Presidency. We are not going to do hearings. Don't even bother.

Other Republican Senators, sort of like one bird flying off the telephone wire—they all fly off a telephone wire—one Republican Senator after another, first said no hearings. Then, after the majority leader said that he would not even meet with prospective nominees, other Republican Senators said they wouldn't meet with nominees.

Just imagine that. We work hard to run for these offices. It is hard to get to the Senate. When we win, within a month and a half or 2 months later, we take an oath of office. We get paid to do our jobs. But they are just not doing their job.

The Constitution says the President shall nominate to fill a vacancy on the Supreme Court, and the Constitution says the Senate shall advise and consent—not except in the last year of the President's term, not only if we feel like it. We are just saying to our Senate colleagues—along with Americans saying to Senate Republicans: Do your job.

It is pretty simple. We are not saying you have to vote for the President's nominee. Understandably, you may not want to, but at least meet the nominee, at least hold hearings on the nominee. Then let's bring him or her to the Senate floor and have a debate and vote up or down.

Earlier this week I quoted from four former U.S. attorneys from my State of Ohio, from Washington State, California, and Virginia. They wrote: "It is unfair and unsafe to expect good federal agents, police and prosecutors to

spend more than a year guessing whether their actions will hold up in court." These are criminal prosecutors, U.S. attorneys, saying how important it is that, ultimately, when something goes to the Supreme Court, there will be a decision made because there is an odd number of justices.

The last time there was a 1-year vacancy—which is what the Republican leader, MITCH MCCONNELL, is calling for—on the Supreme Court was 150 years ago, and that was because we were at war. It was during the Civil War. It is unprecedented to do what they are doing.

On Tuesday, former Ohio Court of Appeals Judge Mark Painter wrote an op-ed in the very conservative, very Republican Cincinnati Inquirer, sharing some of the same concerns. He wrote:

It would be irresponsible and unprecedented to let a vacancy on the court extend into 2017. If Congress fails to act, the Supreme Court will go two terms—well over a year—with a vacancy. The court will hear significant cases in the coming months and issue rulings that will impact our everyday lives.

As a judge for 30 years, I learned that it is important for the law to be settled.

Settled—not held in abeyance, not deadlocked, but settled—that is why we have an ultimate Supreme Court.

Uncertainty is bad for businesses, individuals and for commerce. Two court terms of possible 4-4 votes would be a nightmare.

There is no precedent for causing this damaging uncertainty. The only reason is politics.

That is the same Republican leader who some years ago said: My No. 1 political goal is to keep Barack Obama from being reelected, not, my No. 1 goal is to help improve the economy or to help wages go up or to preserve our freedom, our families or our economic security from attack. He said: My No. 1 goal is to make sure that Barack Obama isn't reelected.

Then this same crowd shut down the government in 2013, after Barack Obama was reelected. They didn't like that—understandably. But they shut the government down—not understandable. Now they want to shut the Supreme Court down by locking it in with an even number where we will see 4-to-4 votes.

Judge Painter points out that we elected Barack Obama to a 4-year term:

The nomination to fill the seat of Supreme Court Justice Scalia is bigger than party or politics. And there is no doubt that Scalia himself would interpret the Constitution as requiring a nomination and a vote by the Senate. It's that simple.

That's why President Obama will do the job that the American people elected him to do. And that's why the Senate should do its job also.

Under our Constitution, we elect presidents for four-year terms. Obama has almost a quarter of his term left. Should the process of government stop for a year?

Should the process of government stop for a year? It should not. My colleagues, pure and simple, ought to do

their jobs. They ought to meet the nominee. They ought to hold hearings. They ought to give an up-or-down vote to whomever the President nominates. Let's do our job.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to join my colleague from Ohio, Senator BROWN, in his message about our responsibility to do our job. It is very simple: Do our job. Do what the people of our State elected us to do.

Senator BROWN is absolutely correct. Article II, section 2 of the Constitution states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court." The last time I checked, the President was elected for a term of 4 years, not 3 years and 2 months. We still have 10 months left of President Obama's Presidency. There is plenty of time for the Senate to consider his nomination for the Supreme Court of the United States.

I find it shocking that my colleagues would suggest, even before the President has submitted a nomination, that the Senate would not conduct hearings or consider the nomination of the President to the Supreme Court, even though that is our constitutional responsibility and even though we were elected for a 6-year term. The last time I checked, we are in session until the end of this year. We don't adjourn in March. The President has 10 months left in office, and Senators should do our work and do our job. I think the American people will ultimately demand that the Senate do its job and not threaten to stop working simply to coddle and pander to the most extreme and fringe elements of its base.

Senators should look to the Constitution for the history and the precedents of the Senate on how to proceed. I say that because if we do not hold a hearing on President Obama's nomination for the Supreme Court, it will be the first time in the history of the United States that a nominee who requested a hearing is denied a hearing—the first time ever. This is a matter of what is the appropriate role in the Constitution of the United States. We all took an oath of office to uphold the Constitution of the United States, and it is our responsibility to respond with a serious effort.

The majority leader said that when we get a nomination, we should act with dignity. Well, we are not acting with dignity if we don't hold a hearing. Let me remind us that the last time a President nominated in an election year of the opposite party, President Reagan's nomination of Justice Kennedy was considered by a Democratic-controlled Senate and approved by a Democrat-controlled Senate.

Let me also remind us that there have been times where a nominee of the President has not been approved by the Judiciary Committee. They have still come to the floor of the Senate for

action. Justice Thomas was approved by a majority vote of the Senate even though he was not recommended by the Judiciary Committee. It was short of the 60-vote threshold, which means that if the Democratic majority had wanted to filibuster, they could have. So we are on uncharted waters here with what the Republicans are doing.

We have separation of branches of government. That is the history of our country. That is the democracy in which we live. It is our responsibility to preserve that. We, the legislative branch of the government, have the responsibility to advise and consent on the independent judiciary. The Supreme Court operates with nine justices, not with eight. It is an abuse of power of the majority in the Senate—the Republicans—to say that we are going to reduce the Supreme Court of the United States to eight by inaction. What happens when we have conflicting decisions made by different circuits and the only court that can determine the law is the Supreme Court in its interpretation and they are 4-to-4 deadlocked? If we do not take up this appointment and we go the full year into next year, it will be two terms of the U.S. Supreme Court without the full complement of justices.

Do your job, my colleagues. That is all we have to do. You don't have to vote yes. Vote. Have a hearing. Have the courage to vote yes or no on the President's nominee. They are saying we are not even going to have a chance for a hearing or vote, and we don't even know who the nominee is, and that is just plain wrong. I think the American people will speak with a clear voice and say that is not what the Senate should be doing.

I hope the Republican leadership will provide the dignity of the Senate, hold hearings, and allow the full Senate to vote up-or-down on the President's nominee for the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

Mr. HEINRICH. Mr. President, addiction to prescription opioid pain relievers and heroin is a growing public health epidemic that is taking a heart-breaking toll on families and communities in every State of this country. In 2014, more than 47,000 Americans died because of prescription opioid and heroin overdoses.

This crisis is very real in my home State of New Mexico. For years, without adequate treatment resources, communities in my State have suffered through some of the highest rates of heroin and opioid addiction in the country. Far too many New Mexico families have lost loved ones, and many more are struggling to find treatment and recovery resources for a father, a mother, a son, a daughter, or for themselves.

Two weeks ago, I visited Espanola Valley in Rio Arriba County. Rio Arriba, which is largely rural and has predominantly Hispanic and tribal communities, is filled with beautiful mountain and desert landscapes, the kinds of places that attract artisan visitors from around the world. Families from Rio Arriba can trace their lineage to Spanish settlers who came to New Mexico in the 1600s and to Indian Pueblos and tribes who have lived in this region for millennia. Tragically, Rio Arriba County has also long been home to the highest rates of heroin addiction and overdose deaths in the Nation. In fact, between 2010 and 2014, the county's overdose death rate was more than five times the national average. This is not only tragic, it is simply unacceptable.

Last month, I convened a roundtable discussion in the area with U.S. Department of Health and Human Services Region 6 Director Marjorie Petty and a number of local stakeholders, including the Rio Arriba Community Health Council. We gathered at the Delancey Street Foundation in Ohkay Owingeh to discuss ongoing efforts and ways to better address the heroin and prescription drug crisis in my State. What I heard loud and clear from public health officials, from law enforcement and first responders, and, probably most importantly, from people who have coped directly with addiction, is that this crisis is hitting entire communities and hitting them hard. Everyone knows a family who has a child suffering through addiction or in recovery, and many have literally lost loved ones to drug-related deaths.

For decades, drug addiction and substance abuse have been passed down generation to generation in too many families in Rio Arriba and in communities across New Mexico. The introduction of prescription opioid pain medications such as oxycodone and hydrocodone into the market over the last two decades has poured fuel on this fire, creating even more cases of opioid abuse and heroin addiction. These prescription opioid pain medications, which are so chemically similar to heroin, have produced whole new onramps onto the highway of addiction. In many instances, by the time someone has finished their first prescription drug treatment, they are literally already hooked, so they turn to purchase new pills, legally or illegally, either through a new prescription or through other means. When they can't afford the pills anymore, all too often they turn to heroin.

Overprescription of opioid drugs and the widespread trafficking of lethal black tar heroin have both contributed enormously to the ongoing public health crisis in New Mexico and now across our Nation. The statistics alone should get our attention. From 2002 to 2013, opioid-related deaths quadrupled nationally. Drug overdoses were the leading cause of injury death in 2013. Among Americans ages 25 to 64 years

old, drug overdoses caused more deaths than motor vehicle crashes. Think about that.

Over this same period, New Mexico families and communities have borne the brunt of this epidemic. Between 2011 and 2013, New Mexico ranked second nationally for drug overdose deaths, and it is getting worse by the year. More New Mexicans died of drug overdoses in 2014 than in any other year on record. Some 547 people died in New Mexico due to drug poisoning, including deaths from prescription opioids and heroin overuse.

Rather than focus solely on these statistics, I want to talk a little bit about some of the people I met in my visit to Rio Arriba County because I think it puts a much more human and real face on the very nature of this problem.

Jesus toured me around Delancey Street.

The Delancey Street Foundation is a national residential self-help rehab organization that helps former substance abusers, ex-convicts, and others who have literally hit rock bottom turn their lives around, get clean, and learn academic and vocational and life skills. Residents have to commit to a minimum stay of at least 2 years. During that period, a comprehensive treatment program often produces dramatic results.

Delancey Street's facility in New Mexico is located on a 17-acre ranch in Ohkay Owingeh Pueblo. Residents there learn vocational skills to get jobs in livestock management, culinary arts, retail sales, construction, wastewater management, and landscaping.

Jesus came to Delancey Street after getting caught up using and selling pills and heroin in the Espanola Valley. He had two DUIs and suffered through alcoholism and substance abuse. In 2011, when a judge gave him the option of going to Delancey Street instead of serving a 9-year prison sentence, he took the chance. Through a long process, he received treatment and learned how to cope with his addiction. Jesus has stayed at Delancey Street well past his 2-year commitment and has taken on new responsibilities. He now serves as a mentor and a role model to new residents who are trying to overcome their addictions.

I met another man named Josh. He is a peer-to-peer support worker at Inside Out Recovery Center in Espanola. Josh was born and raised in Espanola, where he saw drug and alcohol use as the way of life in his community. When he was 14 years old, a high school friend with a prescription for hydrocodone offered him some pills. Josh quickly became addicted. Over time, his opioid addiction led him to the point where he was shooting 7 grams of heroin every day, stealing from family and friends to pay for that addiction, and going in and out of the prison system at the same time. At one point, while going through withdrawal in a jail cell, Josh was unable to eat for weeks. He literally lost

over a third of his body weight. He remembers later attempting suicide in an act of desperation to end his addiction and failing when his gun didn't go off.

In his late twenties, after going through these intense struggles, Josh was introduced to the Inside Out Recovery Center. He met a peer-to-peer support worker named Alex, who had done the same drugs and been through the same struggles. Josh realized there was a way to stop using, and he turned his life around. He got clean.

When a judge sentenced Josh to probation instead of prison for an offense, he was released from jail and went straight to Inside Out and committed to treatment. He said it was the first time he had been released and hadn't immediately returned to drug and alcohol abuse. At Inside Out, Josh received peer support and learned conflict resolution and coping skills. He credits the program with actually saving his life. Now that Josh has his life back, he is working to help others in his community to get their lives back from addiction.

Finally, I want to tell you about Rufus. Rufus is a 22-year-old Navajo Hopi man who lives in Pojoaque. When I met Rufus during my visit, he was getting ready to graduate from his treatment at New Moon Lodge treatment facility in Ohkay Owingeh Pueblo.

New Moon Lodge is a residential addiction treatment center that serves clients from New Mexico's American Indian communities. Although the center treats different types of addiction and substance abuse, including alcoholism, recently they have seen many more cases of opioid and heroin addiction.

Rufus's addiction to opioids began when he was prescribed hydrocodone to help with a hand injury he received when he was 16. He became addicted. Once his prescription ran out, he turned to buying pills illegally, moved up to higher dosages, and eventually moved on to heroin. He got expelled from high school his senior year and fell even deeper into this addiction.

After years of use and going in and out of jail for various offenses, Rufus came before the Pojoaque Tribal Court last year and was given the option to go to New Moon for treatment. New Moon helped him see the person he could be without the drugs. Rufus just graduated from his treatment at New Moon last week. Now he is looking forward to building a stable home life for his girlfriend and his baby by going back to school to get his GED and working toward being a mechanic or an artist.

I tell these stories to demonstrate that when we provide an opportunity to receive comprehensive treatment and receive rehabilitation, people who have suffered through the trials of opioid addiction can turn their lives around and help their communities heal in the process.

Sadly, in addition to hearing these success stories, I have heard far too often that people who are looking to get help have absolutely nowhere to go. Particularly in New Mexico's rural, tribal, and impoverished communities, there is a severe lack of access to proven treatment and rehabilitation resources. We desperately need more detoxification centers, more transitional housing facilities, more outpatient services, and more behavioral health facilities.

We as a nation are not doing even close to enough to provide adequate treatment facilities and resources to communities like those in the Espanola Valley that are struggling to meet the challenges of the growing heroin and opioid addiction crisis. That is why I am a cosponsor of the Comprehensive Addiction and Recovery Act, championed by our colleagues Senator SHELDON WHITEHOUSE of Rhode Island and ROB PORTMAN of Ohio.

This legislation provides a series of incentives and resources designed to encourage States and local communities to pursue a full array of proven strategies that combat addiction. To ensure that this effort meets the needs of rural and tribal communities such as those in New Mexico, I submitted a bipartisan amendment with my friend, the senior Senator from Wyoming, Mr. MIKE ENZI, to require that rural health professionals are included in the Pain Management Best Practices Interagency Task Force that is created by this legislation.

But, frankly, in order to truly provide local communities the tools they need to tackle this crisis head-on, we need funding, which is why I am also cosponsoring emergency funding legislation, championed by my colleague Senator JEANNE SHAHEEN of New Hampshire, to provide supplemental appropriations of \$600 million for drug prevention and treatment programs. I understand that Senator SHAHEEN's efforts to include her funding legislation as an amendment failed to get enough votes this week, which frankly I find deeply disappointing, but I think the Comprehensive Addiction and Recovery Act is still a good first step toward addressing this epidemic. You can be sure I will continue to fight to address it in the Senate and back in New Mexico.

Addiction is a disease that can happen to anyone. It transcends region, race, gender, and socioeconomic status. It is a vicious cycle we have seen all too frequently in New Mexico. By taking a comprehensive approach to combat this epidemic, we can ensure that people have the opportunity to get back on the road to recovery.

I yield the floor.

AMENDMENT NO. 3345

Mr. LEAHY. Mr. President, the American people sent all of us here to solve problems, to strengthen and support our Nation and its people, and to help make ours a more perfect union. They expect us to govern responsibly

and to work together to improve our communities. This week we are considering the Comprehensive Addiction and Recovery Act, or CARA. Few problems in our country have had as devastating an impact on American families as opioid addiction. From Vermont, to Kentucky, to Ohio, communities across the country are struggling, and they are reaching for answers and for help.

It is clear there is a strong, bipartisan interest in Congress to address the problems associated with opioid addiction. The legislation before us is a good bill. It demonstrates that Congress now sees addiction for what it is—a public health crisis. But CARA will not by itself pull our communities out of addiction. CARA is an unfunded framework. Addiction is too knotted and massive a challenge to address with a mere change in philosophy. We cannot pretend that solving a problem as large as opioid addiction costs nothing. The emergency funding amendment by Senator SHAHEEN is an essential part of this effort. It puts real dollars behind the rhetoric to ensure that the carefully crafted programs authorized in CARA can actually be implemented and can succeed.

Congress has approved much larger emergency funding bills in the past. Just last year we approved more than \$5 billion to combat the Ebola outbreak in Africa, far from our shores. To be clear, I believe this funding was appropriate. But we must now turn our attention to the public health crisis here at home, in our own communities. More than 40,000 Americans are dying each year from drug overdoses. In Vermont, State leaders like Governor Shumlin have tackled opioid addiction with an all-hands-on-deck approach. Other community leaders, like the Boys & Girls Club of Burlington, have done wonderful work expanding education efforts to prevent young people from becoming addicted in the first place. I am proud of their efforts, but they will be the first to acknowledge that many challenges remain. As in other States, addiction has spread across our State, and more Vermonters are dying from drug overdoses. Several have died while on waitlists for treatment.

Addiction is nothing less than an epidemic, and to solve it, this crisis must be treated as an epidemic. More resources for targeted efforts will save lives and help stabilize families, neighborhoods, and communities. That is why we need Senator SHAHEEN's amendment. This amendment would have provided resources to strengthen both the law enforcement and public health components needed to tackle the crisis. Her legislation would have delivered support to State and local law enforcement agencies, anti-heroin task forces, and treatment alternatives to incarceration. It would have also delivered necessary resources to health care professionals who are overwhelmed by a need they cannot meet. No one should be turned away when

seeking treatment for the terrible disease of addiction. If cancer patients were refused treatment, we would not hesitate to act, and this should be no different.

We must make a real investment in combatting this ravaging epidemic, and the Shaheen amendment would have ensured that. Actions speak louder than words, action requires resources, and budgets are where we set priorities. The American people are watching and waiting. It is time for us to stop talking and start acting. It is time for us to start investing in our own country, our own communities' needs, and our own people.

VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for today's vote on the Manchin amendment No. 3420 to S. 524, the Comprehensive Addiction and Recovery Bill. I would have voted yea.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. MCCASKILL. Mr. President, I was necessarily absent for today's amendment vote in relation to S. 524, the Comprehensive Addiction and Recovery Act of 2015.

On amendment No. 3420 by Senator MANCHIN, I would have voted yea.●

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

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

WORLD WILDLIFE DAY

Mr. COONS. Mr. President, on a day that was sadly often marked by partisan differences, I thought I would take a moment near the end of this legislative day and simply remark on something where there has recently been some bipartisan progress, and I think it is worthy of some brief comment.

Today is the third annual World Wildlife Day. This day was declared by the United Nations and will soon be celebrated in another place on this Capitol complex by a wide range of organizations from all over the United States and the world that are dedicated to preserving wildlife in places in the world where it is under distinct pressure.

As I said, this is the third annual celebration of World Wildlife Day. It was first declared by the United Nations, and I want to briefly remark that a bipartisan delegation of this Senate recently went to Southern Africa. It was led by Senator FLAKE of Arizona, and he and Senator CARDIN, the ranking member of the Foreign Relations Committee, Senator COCHRAN, chairman of the Appropriations Committee, and I had an opportunity to meet with leaders from four different countries. They are working tirelessly

to try and contain an epidemic of poaching that has reached nearly catastrophic levels.

Nearly 100 elephants are killed every day now so their ivory tusks can be sold on the black market at prices higher than heroin or gold. In 2014 alone, more than 1,000 rhinoceroses were illegally killed in South Africa, which is a 9,000-percent increase in the poaching of rhinos since 2007.

I think this is of concern to all of us, not just because of the loss of these remarkable and iconic wildlife species but because it is also funding and fueling a multibillion-dollar industry of organized crime that also traffics in drugs, people, and weapons and destabilizes critical parts of the world.

We have a chance to make real progress. There is a bipartisan bill, the END Wildlife Trafficking Act, that Senator FLAKE and I have introduced, and that I am hopeful Senator CORKER and Senator CARDIN, as the chair and ranking member of the Foreign Relations Committee, will take up, consider, and markup in our next business meeting. I do think this legislation offers us a real opportunity to show that we can come together to support the President's plan for combating wildlife trafficking and can make a modest and responsible investment in helping countries on the other side of the world that are facing the same sort of scourge of lawlessness and violence that marks those places in America where drug trafficking is at its peak, but instead of trafficking illegal drugs, the actions they are carrying out is the slaughter and the export of the pieces of killed animals, whether elephant tusks or rhino horns.

Ralph Waldo Emerson once wrote, "Adopt the pace of nature: Her secret is patience." It is my hope that with patience, persistence, and bipartisanship, we can celebrate this World Wildlife Day by doing something together to make progress in combating the scourge of illegal wildlife trafficking.

I thank the Presiding Officer and yield the floor.

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

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that it be in order to call up the following amendments: No. 3336, Johnson, as modified; No. 3329, Durbin; further, that at 5:30 p.m. on Monday, March 7, the Senate vote in relation to the amendments in the order listed and that there be no second-degree amendments in order to these amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object.

Our respective cloakrooms have been working for the better part of this week to get a list of amendments that could get votes.

As everyone knows, we have had, on our side, more than 60 amendments filed. So I want to hold my friend to an often-expressed promise that we would have a robust amendment process. Now, I know we aren't going to get 60 amendments—I got that—but there have been objections from Republicans to a number of amendments my Senators want to offer. They want to do a few votes on a number of their amendments.

First of all, everyone should understand we are not holding up this bill. The leader has indicated he is going to file cloture today or tomorrow, so I got that. We are not going to oppose cloture, but we are not going to have the other side determine what amendments should be offered. We should be able to pick what amendments we want to offer. And I don't think it is appropriate—for example, one of the amendments he chose is from a Senator running for reelection. Is there some purpose to that? I think we should have a process where we have alternating amendments, and we pick our amendments.

So I would ask my colleague to agree to changing his unanimous consent request so that it would be in order to call up the amendments I mention now. There would be an hour of debate on each amendment. We could certainly even shorten that time significantly prior to a vote in relation to the amendments in the order listed, and no second-degree amendments be in order prior to the votes: Durbin No. 3329, Gillibrand No. 3354, Markey No. 3384—who has been begging me for 4 days now to get a vote on his amendment—Blumenthal No. 3327, Cardin No. 3421, McCaskill No. 3375, Wyden No. 3402, Heinrich No. 3372, Schatz No. 3413, and Markey No. 3382—10 out of 60.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. McCONNELL. Mr. President, I object to the modification.

The PRESIDING OFFICER. Objection is heard to the modification.

Mr. REID. Mr. President, I object to the original request.

The PRESIDING OFFICER. Objection is heard to the original request.

Mr. McCONNELL. Mr. President, I might just point out that apparently the amendment that was in my consent request that was objectionable to the other side was a simple amendment from the Senator from Wisconsin to include a representative of the Indian Health Service in the Pain Management Best Practices Inter-Agency Task Force.

Mr. REID. Mr. President, I understand, I am sure, the importance of this amendment, but the other amendments are important also.

Mr. McCONNELL. Mr. President, I ask unanimous consent that it be in

order to call up the following amendments: No. 3334, Kirk; No. 3336, Johnson, as modified; No. 3329, Durbin; No. 3337, Johnson, as modified; No. 3354, Gillibrand; No. 3366, Lankford; Markey-Paul related to the TREAT Act; No. 3407, McCain; and No. 3408, McCain; further, that at 5:30 p.m., Monday, March 7, the Senate vote in relation to the Durbin amendment No. 3329 and the Johnson amendment No. 3336; and that there be no second-degree amendments in order to these amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. I don't like to admit this publicly that I have learned anything from the Republican leader, but I have. One of the things I have learned is that it is not right to have the majority pick the votes of the minority, so I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the Grassley substitute amendment No. 3378.

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 Senate amendment No. 3378, the substitute amendment to S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

Mitch McConnell, Chuck Grassley, Deb Fischer, John Barrasso, Shelley Moore Capito, Roy Blunt, Johnny Isakson, John Boozman, Mike Crapo, David Vitter, Mike Rounds, Bill Cassidy, James E. Risch, Lindsey Graham, John McCain, Thom Tillis, Orrin G. Hatch.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, S. 524.

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 S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

Mitch McConnell, Chuck Grassley, Deb Fischer, John Barrasso, Shelley Moore Capito, Roy Blunt, Johnny Isakson, John Boozman, Mike Crapo, David Vitter, Mike Rounds, Bill Cassidy, James E. Risch, Lindsey Graham, John McCain, Thom Tillis, Orrin G. Hatch.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

Mr. McCONNELL. I ask unanimous consent that the filing deadline for first-degree amendments to amendment No. 3378 and S. 524 be at 3:30 p.m. on Monday, March 7.

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

Mr. McCONNELL. I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote on the Grassley substitute amendment No. 3378 occur at 5:30 p.m., Monday, March 7.

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

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.

REMEMBERING BERTA CACERES

Mr. LEAHY. Mr. President, last night Honduras lost one of its most courageous, charismatic indigenous leaders, Berta Caceres. Ms. Caceres was the general coordinator of the National Council of Popular and Indigenous Organizations of Honduras, and she was assassinated in her hometown of La Esperanza, Intibuca.

According to initial reports, at least two people broke down the door of the house where she was staying for the evening and shot and killed her.

Berta Caceres spent her life fighting in defense of indigenous rights, particularly to land and natural resources. In 2015, she won the prestigious Goldman Environmental Prize for her outstanding activism and leadership.

This horrific crime demonstrates that no one, not even an internationally known social activist, is safe in Honduras if they speak out against corruption or abuse of authority. Her death will have a profound impact on the many communities she worked with, her organization, Honduran civil society, and all who knew her.

Berta Caceres and COPINH have been supporting land struggles throughout western Honduras. In the last few weeks, threats and violence towards Berta and the communities she and her organization support had escalated.

In Rio Blanco on February 20, Berta, her organization, and the community of Rio Blanco were threatened as they engaged in a peaceful protest to protect the river and their way of life from the construction of a large hydroelectric dam by an internationally financed Honduran company.

As a result of supporting the Rio Blanco struggle, Berta had received many threats against her life and was granted, like dozens of other endangered Honduran social activists, precautionary measures by the Inter-