

against our prescription opioid and heroin crisis.

So because of efforts like those I mentioned—to strengthen education and treatment programs, to improve prescription drug monitoring tools, and to enhance law enforcement efforts—differences are already being made in the lives of many Kentuckians. With the passage of CARA, we can build upon these and other initiatives that can help shore up the fight against prescription opioid and heroin addiction.

Kim Moser, Director of the Northern Kentucky Office of Drug Control Policy, says CARA will “address the growing needs” of Kentucky communities and “expand treatment resources for those suffering.” She goes on to say that CARA “will allow individuals, families and communities to heal from this scourge.”

I want to thank Senator GRASSLEY, the chairman of the Judiciary Committee, for working with Senators to move this bill by voice vote in a timely manner, and I want to also acknowledge Senator PORTMAN and Senator AYOTTE for their responsiveness to this urgent problem and for their dedication to advancing the bipartisan bill that is before us now.

Remember, although this is an authorization bill, Congress has already appropriated \$400 million—funds that are still available today—for opioid-specific programs. We will have more opportunities for funding through the next appropriations process, but it is important we act on this legislation right now.

CARA will bring us closer to ending a national epidemic. It will help lift communities like those in Kentucky out of the throes of prescription opioids and heroin addiction. It will help save lives.

I look forward to joining my colleagues on both sides of the aisle to support this important legislation.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

VOTE EXPLANATION

Mr. REID. Mr. President, as Senators, we pride ourselves in making sure that we vote when we are required to vote, and we are always very aware of when the votes occur and what happens with the votes. I missed a vote yesterday at 4 o'clock.

My staff has told me the clerks here are concerned that they did something wrong. I missed the vote. It was my fault. It was no one's fault but my own. I had a doctor's appointment at 4:30, and I got here too late.

So everyone should understand that I have missed other votes, and I have already announced how I would have voted had I voted, and it wouldn't have changed the outcome of the vote. So all the clerks, who serve us so well all the

time, shouldn't worry at all about my not being recorded on that vote.

So calm down, everybody. I don't care. You shouldn't care.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. REID. Mr. President, I have heard my friend the Republican leader the last couple of days talking about what a good bill we have here. He is right. It is something that is important to do. We have this opioid problem sweeping the Nation. It is in Nevada, as well as in all other States. All the other 49 States have the problem. So I understand the importance of this legislation. I only wish the Republicans had joined with us yesterday in voting for the Shaheen amendment, which would have provided real money to meet the requirements of this legislation, if it passes.

I also know my friend keeps talking about the money we have already appropriated. We did it because there was an emergency then, and there is one now. The programs we have appropriated money for are totally separate and apart from this legislation. That is why Senator SHAHEEN offered her amendment. It was emergency funding that we badly need. So it is too bad my friends on the other side of the aisle are talking about taking money from other programs and funding this program. That isn't how it should be.

This is a scourge sweeping the country. We have programs in this new legislation that need to be funded, otherwise it won't have any meaning whatsoever to the problem we are facing in the country.

A number of Democrats have also tried to offer amendments. To this point, they have been able to offer one amendment and vote on one amendment. We have had more than 60 amendments filed over here. I know we are not going to have the ability to debate and vote on 60 amendments, but my friend the Republican leader has been out here boasting time and again about this robust amendment process, and it is only talk. We haven't had a robust amendment process.

I wouldn't think robust would mean having seven or eight amendments. We would accept a new definition of robust, I guess, if we got to offer a few amendments, but we should be able to offer amendments on this legislation.

So I hope the Senate will be able to have a full and open amendment process on this legislation. If not, we may not be able to proceed to vote on this legislation, and it would be too bad. Even though the legislation is not funded properly, we should pass it. We are not going to pass it if we get jammed, and that is what is happening.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, listen to these words: fair, respectful, delibera-

tive, and thorough. These are the words the senior Senator from Iowa, Mr. GRASSLEY, once used to describe the way Supreme Court nominations should be considered by the Senate—fair, respectful, deliberative, and thorough.

In June 2010, he said something more:

I have always been of the opinion that the Senate needs to conduct a comprehensive and careful review of Supreme Court nominees. It is important that the nominee be given a fair, respectful, and also deliberative hearing.

That same month, in June 2010, he also said:

I am committed to ensuring that this process is fair and respectful but also thorough. The Constitution tasks our Senate with conducting a comprehensive review of the nominee's record and qualifications.

Fair, respectful, deliberative, and thorough. I don't think refusing to meet with a nominee, refusing to hold a hearing of a nominee, refusing to vote on a nominee is fair, respectful, deliberative, and certainly not thorough.

He was not yet chairman of the Judiciary Committee when the senior Senator from Iowa made those comments. As I have noted, he has said on more than one occasion that the Constitution tasks our Senate with conducting a “comprehensive review of the nominee's record and qualifications.” He made those statements when he wasn't chairman of the committee. He is now chairman of the committee—the committee he has served on for decades. Now his response for the Senate's consideration of Supreme Court nominations sets the standard. He runs that big and powerful committee, and he has chosen an approach that could not be further from the fair, respectful, deliberative, and thorough that he has urged on more than one occasion.

Instead of exercising his once-respected independence, my friend the senior Senator from Iowa is taking his marching orders from the Republican leader and refusing to give President Obama's Supreme Court nominee a meeting, a hearing, or a vote.

Within an hour after Justice Scalia's death was announced, the Republican leader hijacked the Supreme Court nomination process in the Senate by declaring that the Republicans would not consider the President's nominee.

Then the Republican leader decided to seize control of the Judiciary Committee—I don't know if he twisted arms, but that certainly conveys the message I want to convey—twisting the arms of the senior Senator from Iowa and his committee members to get them to forfeit their independence and fall in line. Behind closed doors, the Republican leader compelled the 11 Republicans who make up the majority of the committee on the Judiciary to sign a loyalty oath. This loyalty oath, which abdicated the role of this once-dignified committee, took the form of a letter promising to follow the Republican leader's demands and block consideration of President Obama's Supreme Court nominee.

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 preside over 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