

haven't even seen them yet. This is vile behavior that is beneath the dignity of this institution. If Republicans continue down this path of destruction while working on this process, it is going to reverberate in the wrong direction for decades to come. They have to get their senses back.

Mr. President, I ask unanimous consent that the CNN article written by Ted Barrett, to which I referred, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CNN, Mar. 7, 2016]

SUPREME COURT NOMINEE WOULD BE A 'PINATA,' CORNYN SAYS

(By Ted Barrett)

The No. 2 Senate Republican warned Monday that potential nominees to the Supreme Court should consider the battle they will be forced to endure if they are picked for the post, suggesting a high-stakes slugfest could damage their reputations in a fruitless pursuit of the top court.

"I think they will bear some resemblance to a piñata," said Sen. John Cornyn of Texas.

"What I don't understand is how someone who actually wants to be confirmed to the Supreme Court would actually allow themselves to be used by the administration in a political fight that's going to last from now until the end of the year," Cornyn told a small group of reporters in the Capitol.

He added: "Because there is no guarantee, certainly, after that time they're going to look as good as they did going in."

Cornyn, a member of the Judiciary Committee, adamantly opposes confirming President Barack Obama's Supreme Court pick to replace the late Justice Antonin Scalia, a conservative stalwart on the bench who died last month.

Obama is expected to name a replacement any day.

"There is no question Democrats would do the same thing if the shoe was on the other foot based on their prior conduct and I don't think the voters are really interested in seeing the ideological balance of the court changed for the next 30 years by a lame duck president," Cornyn said.

The tension between the parties was on full display on the Senate floor when Democratic Leader Harry Reid continued his weeks-long tirade against the Republican chairman of the Judiciary Committee, Chuck Grassley of Iowa, for vowing not to schedule a confirmation hearing for an eventual nominee.

"He is allowing himself and his committee to be manipulated by the Republican leader for narrow, partisan warfare. He is taking his orders from the Republican leader and, sadly, Donald Trump," Reid said. "Donald Trump on this issue, when asked about it, his words were three: 'Delay, delay, delay.' Grassley must have been listening."

Democrats believe that under enough pressure Grassley, who is up for re-election, could crumble and open the door to a hearing and a vote for a nominee. But Grassley didn't sound like he was ready to fold when he responded to Reid.

"The tantrums on the other side continue," said Grassley. "But I guess it shouldn't surprise anybody as everyone knows around here nothing makes the minority leader more mad than when his side is forced to play by its own rules."

Grassley also compared Obama to King George III for "executive overreach," which he said frustrated the founding fathers then and frustrates the Senate Republicans now.

Also Monday, Reid met in his Capitol office with Patty Judge, a Democrat and former lieutenant governor of Iowa who just announced she will challenge Grassley this fall.

Cornyn said he has no doubts about the 82-year-old Grassley's ability to withstand political pressure from Democrats.

"They don't know Chuck Grassley," Cornyn said. "He's like a rock."

Interest groups on the left and right are lined up to champion their causes in what is expected to be an expensive and protracted battle that could undermine the candidate, no matter how well qualified or liked he or she is.

"As a practical matter, there would be no requirement on the part of a Democratic president to reappoint the same person. So I think they need to realize we're serious about the position we've taken," Cornyn said.

Mr. REID. I yield the floor and ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, equally divided, with Senators permitted to speak therein for up to 10 minutes each, with the Democrats controlling the first half and the majority controlling the final half.

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

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

FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, several weeks ago, the untimely passing of Supreme Court Justice Antonin Scalia created a vacancy on the Supreme Court, which now has only eight Justices. It called into question the constitutional responsibility of the President of the United States when such a vacancy exists and the constitutional responsibility of this Senate.

This morning in the Washington Post, there was speculation about six possible nominees the President could send to the Senate. It was speculation in the paper, and we don't know if any one of those would actually be the nominee suggested by the President, but it is very obvious—and having spoken with the President personally on this issue, I know he is carefully weighing the options.

Why will the President move forward on this nomination? Because the Con-

stitution requires it. In article II, section 2, it says the President shall appoint a nominee to fill a vacancy on the U.S. Supreme Court—shall; not may, shall appoint—and the Senate shall perform its advice and consent duties with respect to that nomination. So there are two constitutional responsibilities: for the President to suggest a nominee and for the Senate to act on that nominee.

There have been instances in American history where argument could be made that that constitutional responsibility should be ignored or at least delayed. One that comes to mind dates back to 1942. On October 3, 1942, a vacancy arose on the Supreme Court of the United States. On that day, Justice James Byrnes on the Supreme Court resigned his seat to become Director of the Office of Economic Stabilization in the Roosevelt administration.

On January 11, 1943, President Roosevelt nominated Wiley Rutledge, a Kentucky native and former dean of the University of Iowa College of Law, to fill that vacancy. At this point in 1943, the United States was fully engaged in the Second World War. When the President sent up this nomination, battles were raging in Europe, Asia, Africa, and in the Atlantic and the Pacific. It was unclear whether we would prevail or the enemy would prevail. Each day brought alarming, stunning news about developments in the war.

Three days after making his Supreme Court nomination, President Roosevelt flew to Morocco to join Churchill and de Gaulle at a Casablanca conference on the future of the war. At this conference, the Allies coordinated their strategy against the Axis powers and decided to launch an offensive in Sicily and in Italy.

On January 27, 1943, American bombers from the Eighth Air Force conducted the first American air raid over Germany. On January 30, Japanese aircraft torpedoed and sank a cruiser named the USS *Chicago* in the South Pacific. Sixty-two men lost their lives. Over a thousand survived due to a daring and swift rescue.

The Nation was clearly engaged in war. There was every reason in the world for the President and even the Senate to say: This is no time to talk about a Supreme Court vacancy. Instead, the President and the Senate, even in the midst of World War II, understood their obligation under the Constitution. The Senate Judiciary Committee held a hearing for Rutledge on January 22, 11 days after his nomination had been sent to the Hill by President Roosevelt. The committee reported Rutledge's nomination to the floor on February 1, and he was confirmed by the full Senate on February 8, 1943, 28 days after his nomination.

Mr. President, I wanted to put this set of facts on the record to make it clear that there is absolutely no excuse for what the Senate Republicans are doing with this vacancy. There is no excuse for the Senate Republicans to

ignore their constitutional responsibility, a Constitution which they have sworn to uphold and defend. We are not in the midst of a world war; we are in the midst of a Presidential campaign. And that in and of itself explains why Senator McCANNELL, just hours after the announcement of the death of Antonin Scalia, made it clear that the Senate would not accept its responsibility under the Constitution to fill this vacancy on the Supreme Court.

It is a sad reality that the Republicans have made this decision to leave the Supreme Court for over a year with this vacancy. When was the last time the Senate left the Supreme Court with a vacancy for over a year? It goes back to the Civil War, when we were at war with ourselves, with thousands being killed on a daily basis. It was in that turmoil that we left a vacancy on the Supreme Court for over a year.

Now the Senate Republicans point to the turmoil of a Presidential election campaign as their reason for not accepting their constitutional responsibility. They make a vacuous argument that we should wait and pick a new President and let this new President, in his next term or her next term, fill this vacancy. Well, that is an empty argument because in the year 2012, in November of 2012, there was a Presidential election. The two major party nominees were, of course, President Obama running for reelection and Mitt Romney running on the Republican side. In that election, the American people made a clear choice. By a margin of 5 million votes, they reelected President Barack Obama, and they reelected him for a 4-year term. So it turns out that even in this year of 2016, Barack Obama is still the President of the United States. This may come as news to those on the Republican side of the aisle, but he was reelected for 4 years by a 5 million-vote margin, and their refusal to give this President due consideration of his nominee is a rejection of that verdict of the American people in that election.

So for the first time in history, we find a nominee presented by the President about to come to Capitol Hill, and the promise of the Senate Republicans? They will not even hold a hearing, will not even consider this nominee, and won't bring it to a vote. In fact, Senator McCANNELL went further. He said he would refuse to even meet with any nominee sent by the President. That is unheard of, unprecedented, uncalled for, and an embarrassment to this institution of the United States Senate.

I call on the members of the Senate Judiciary Committee, on which I am proud to serve, to step back and reassess the letter they signed 2 weeks ago. It was a letter accepting Senator McCANNELL's strategy, saying they would not do their job. They would, in fact, walk away from their job, walk away from their constitutional responsibility. I would hope they would realize they are leaving a mark in history which is indefensible, a mark in his-

tory which is unprecedented, and one which sadly will leave the Supreme Court with only eight Justices.

The American people have spoken. They have chosen the President. The President has accepted his constitutional responsibility. The Senate, under Republican leadership, can do no less.

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

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

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

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

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. BLUMENTHAL. Mr. President, I am pleased to be on the floor to speak again in support of the Comprehensive Addiction and Recovery Act, which the Senate will consider and I hope approve this week. It is a long overdue measure to address the public health hurricane, a crisis we face in this country. It is every bit as real and threatening as threats from abroad. In fact, I have just now come from a hearing of the Armed Services Committee, where I had the opportunity to question some of our Nation's leading military experts, including the head of our Special Operations Command, General Votel, about the threat posed by illicit substances, such as heroin, to this country. The testimony was that those substances, when they come to this country, follow the same route as terrorists, illicit arms, and other military threats to this Nation.

The bipartisan support for the measure before us is a sign of the meaningful strides that this Nation has taken, but more is necessary to be done toward ending the epidemic of heroin addiction and prescription drug abuse. It is a danger to every community across the country, big cities and towns in Connecticut, suburban and urban. Every race and religion, ethnic group, and demographic is potentially a victim.

I have heard from our colleagues across the country that this crisis truly has proportions on a par with any of the tornadoes, floods or hurricanes we have seen as natural disasters. Abuse and addiction are crippling communities around the country, shattering families, and imposing enormous financial and human costs.

In my home State of Connecticut, overdose deaths have steadily increased, as they have throughout the Nation, and they now surpass auto-

mobile crashes as the leading cause of injury-related death for Americans between the ages of 25 and 64. Connecticut saw more than 700 overdose deaths in 2015. Without a doubt, we must act.

Many communities across Connecticut and our country already have taken steps and have dedicated resources to stopping the epidemic of heroin addiction and prescription drug overuse. I am very privileged to welcome a number of those communities to the Senate today. They are represented by mayors from major cities in Connecticut: Mayor Joe Ganim of Bridgeport, Mayor O'Leary of Waterbury, Mayor Moran of Manchester, along with local officials from Bridgeport, Groton, Manchester, New Haven, South Windsor, and the Connecticut Conference of Municipalities.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of officials I just referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIDGEPORT CITY COUNCIL

Joe Ganim (mayor), Evette Brantley, Scott Burns, Milita Feliciano, Tom Caudett, Jeannette Herron, Michelle Lyons, Gina Malheiro, Tom McCarthy, Aides Nieves, John Olson, Anthony Paoletto, Richard Saltier, Neenah Smith, AmyMarie Vizzor-Paniccia.

GROTON

Bonnie Nault, Harry Watson.

MANCHESTER TOWN COUNCIL

Jay Moran (mayor), Margaret Hackett, Patrick Greene.

NEW HAVEN CITY COUNCIL

Delphine Clyburn, Frank Douglass, Alberta Gibbs, Rosa Ferraro Santana, Brian Wingate.

SOUTH WINDSOR TOWN MANAGER

Matt Galligan.

CONNECTICUT CONFERENCE OF MUNICIPALITIES

Ron Thomas, Kevin Maloney.

WATERBURY

Neil O'Leary (mayor).

Mr. BLUMENTHAL. They have shown by their actions they are willing to not only talk the talk but actually walk the walk. I participated with Mayor Ganim over the weekend in a public press conference, noting the truly extraordinary and excellent work by their drug task force to stop, apprehend, arrest, and prosecute a major drug ring in the city of Bridgeport.

I have talked to Mayor O'Leary about efforts in Waterbury and throughout his region—a very responsible and effective action he took as police chief of Waterbury—but we know we are not going to arrest our way out of this crisis. Law enforcement needs more effective support and resources. There is no way around the need for supporting and enhancing the operations of our local, State, and Federal law enforcement officials—in fact, increasing the partnership and cooperation among them, as was so dramatically shown by the successful law enforcement in the city of Bridgeport against this drug ring last week. All have a role and all of their cooperation is necessary.