

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 McCONNELL, 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 McCONNELL 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 McCONNELL'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, Jeanette Herron, Michelle Lyons, Gina Malheiro, Tom McCarthy, Aides Nieves, John Olson, Anthony Paoletto, Richard Salter, Neenah Smith, AmyMarie Vizzo-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.

All of us have a responsibility to support their work, but the bill before us also recognizes that we are not going to arrest or jail our way out of this crisis. In fact, it provides resources for treatment and services and a more effective means of delivering Narcan, which can literally be a lifesaver, bringing overdose victims back from the brink of death.

What I have heard in roundtables I have conducted around the State of Connecticut is the need for those additional steps, not focusing on any one of them but a multifaceted effort, as this bill reflects. In the roundtables I have conducted, I have heard from law enforcement professionals, first responders, doctors, addiction specialists, elected officials, and many others, including recovering addicts and their families. Their stories are riveting and heartbreaking about the effects of addiction, beginning with powerful prescription painkillers for routine surgery, broken ankles or wrists, and wisdom teeth that have been removed. There was overprescription of 20 pills, 30 pills, when 2 pills or 3 pills would have been sufficient, and those pills are the gateway to more serious addiction or they find their way onto the street where they fuel the addiction of others and lead to addiction to heroin, which often is cheaper than the prescription pills.

Those stories I have heard from around our State, stories from people struggling with addiction or who have lost a loved one to this disease, add to the public record that exists. That record includes a story that appeared within the past week or so in the *New London Day*. It talks about two childhood friends, Nat and Joe. Both of them struggled with heroin addiction, but they are now in recovery. Between them, they have lost several friends, a former girlfriend, and a stepbrother to overdoses, and each has a sibling who has also become an addict. Nat is now 27 and the father of two. He said:

I started taking pills when I was 19 or 20 and was stressed out when I was going through a custody battle over my son. Somebody said to try one, and then I was taking them a couple of times a week and then every day I was buying off the street. It was out of control. It got so that I couldn't work without drugs.

The same happened to Nat's friend Joe with Percocet. He described how he took a few pills, liked the feeling, and rapidly began to take drugs with other friends, including OxyContin and heroin.

Another article in the *Waterbury Republican American* told the story of Thomas Obst, who was prescribed OxyContin for an eye injury. When he later suffered from withdrawal symptoms, he turned to heroin to keep himself from suffering. He explained:

You never know what a street drug is mixed with, but it's less expensive . . . someone mentioned heroin. I thought I could control it.

Thomas eventually overdosed, but his life was saved by a brave State

Trooper named Josh Sawyer, who was able to administer naloxone. This drug can be a lifesaver if it is available to police—as it was in this instance—and first responders and firefighters. Unfortunately, its price has skyrocketed, and it is increasingly in short supply.

These stories from Connecticut are hardly unique. Our colleagues know they are happening in their communities. They know overdose deaths are skyrocketing, that addiction is increasing, and that the toll taken on their States and our communities is absolutely horrendous.

During our roundtable in Bridgeport last Friday, a manager of the Bridgeport Recovery Community Center explained the obstacles that people afflicted with addiction face in trying to obtain treatment this way:

Insurers will dictate what they will and will not pay for. You have to continually prove that this person is allowed to stay. You must make daily phone calls to plead your case.

When treatment is made available, there should be no wrong door; there should be no harassing need to demonstrate the problem and the need for treatment. We need more availability of insurance and increasing recognition that addiction is not a stigma, it is an affliction, a disease, every bit as much so as any other disease. And supplies of the drugs that can help treat that addiction—SUBOXONE, for example—have to be made available.

The legislation before us would provide more treatment, more beds, but it is only a down payment, only a beginning. There is truly a need for recognition that we face a public health hurricane and that this crisis, a spreading epidemic, will only become worse if we fail to provide more assistance.

This bill strengthens State programs like Connecticut's that are already in place, including State prescription drug monitoring programs as well as training for law enforcement and emergency responders in the use of Narcan. It provides important recovery support services for those struggling with addiction, and it would strengthen existing Federal programs, such as the DEA's drug take-back program.

The bill also provides more support for substance abuse treatment services for incarcerated individuals. We know a lot of people in prison today are there because of their addiction. If they are to emerge successfully from incarceration, they need that support and assistance to break the grip of addiction.

As important as this bill is, I agree with many of my colleagues—and they have spoken on the floor—that it is far less effective than it could be without the \$600 million supplemental appropriations that I have advocated and fought to pass. I am disappointed the amendment of Senator SHAHEEN, which I spearheaded and cosponsored, was not included in this measure, and I look forward to continuing to fight for the resources necessary to make this fight real.

I want to thank all of my colleagues, including Senator WHITEHOUSE and others, for incorporating a bipartisan provision I wrote with Senator COATS called the Expanding Access to Prescription Drug Monitoring Programs Act. This provision will 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 thereby determine if a patient has a history of addiction or receiving multiple prescriptions from multiple sources.

I know from my decade and a half of work in this area how doctor shopping and other abuses can in fact exacerbate this problem of addiction and prescription drug abuse. Although nurse practitioners and physician assistants wrote over 7 million opioid prescriptions in 2013, few States permit them to consult and submit prescribing data to these important State databases. Allowing these providers to access more information about patient history enables them to address potential addiction before—and I stress “before”—it becomes a serious problem.

I hope this body will adopt a number of other amendments that I have proposed, including the one Senator MARKEY and I have spearheaded, amendment No. 3382, prescriber education. Prescriber education is crucial.

In a roundtable I held at the Yale medical school, a number of the docs told me that now—only recently—are there sufficient education and training and specific courses devoted to pain management and prescription discipline. Many doctors now lack that education, and our amendment would require that training as a condition for continued—Mr. President, I ask unanimous consent for a few more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUMENTHAL. It would provide as a condition that this training be conducted before any doctor receives a renewal of his or her license by the Drug Enforcement Administration.

To help our veterans, an amendment that I have offered, No. 3438, would eliminate naloxone copays for our veterans. As ranking member of the Veterans' Affairs Committee, I have seen how the opioid epidemic has affected our veterans. It is truly devastating. Safe prescribing of opioids is vital because many veterans, especially those returning from combat, have serious pain issues that must be addressed, but they must be addressed safely, with care and caution about the dangers of addiction.

I appreciate our dedication to addressing this problem. I hope that it will be bipartisan and that our approval this week will match the urgency of this problem in communities around the State of Connecticut and around this country. The solution to this problem is long overdue for action,

and I look forward to this next step—only one of many that have to be taken—in aiding our law enforcers, our health care providers, our public officials, such as our representatives today on the Hill, in moving forward and addressing this problem.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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 Republican whip.

FILLING THE SUPREME COURT VACANCY

Mr. CORNYN. Mr. President, as the entire country knows, it was about 1 month ago that we lost Justice Antonin Scalia. Our country is still dealing with the loss of this man, whose contribution to our highest Court and the health of our Constitution cannot be overstated.

Justice Scalia understood the actual words in the Constitution were important. He famously said that if the American people realized what the Supreme Court did on occasion, which was to substitute their value judgments instead of interpreting the Constitution and laws—rather to substitute their value judgments for those of the people and their elected representatives—they might well feel their values were superior and preferable to those of an unelected lifetime member of the United States Supreme Court. That is an important reminder.

Justice Scalia was known for expressing himself very colorfully and clearly, and he clearly was no fan of making it up as you go along, which, unfortunately, can happen when the Supreme Court chooses to substitute their values for those of the American people rather than interpret the law and the Constitution.

Justice Scalia was also a key figure when it came to making sure the Court policed the check of Executive power on legislative power. In other words, he believed in the separation of powers and checks and balances. I don't think it is an exaggeration to say that Jus-

tice Scalia helped resuscitate our constitutional principles and inspired the next generation of lawyers and legal scholars and judges to care deeply about our Constitution as originally written. Because of Justice Scalia, our Republic is stronger.

Mr. President, I have listened to and read about comments made by our friends across the aisle who are questioning our intention to allow the American people to help choose who the next Justice on the Supreme Court is going to be by selecting the next President who will make that appointment. It is abundantly clear that the Constitution gives the President the authority to make a nomination, but it is just as clear that the Constitution gives the U.S. Senate the authority to determine how or whether to move forward with any nominee proposed by President Obama. There is ample precedent to support the decision made by Senate Republicans to withhold consent on the President's nominee and to allow the American people's voices to be heard.

That is not to say it will not be a Democratic President making that appointment or it could be a Republican President. We don't know at this early stage in the Presidential election. But we do know it would be improper to allow a lame-duck President to forever change the balance on the Supreme Court for perhaps the next 30 years as he is heading out the door.

There is a lot of precedent for what we have decided to do. Not since 1932 has the Senate, in a Presidential election year, confirmed a Supreme Court nominee to a vacancy arising in that same year—1932. One would have to go back even further—to 1888—to find an election-year nominee who was nominated and confirmed under a divided government, as we have today. So what Senate Democrats are actually insisting on, and the President is insisting on, is that we do something we haven't done for 130 years.

Of course, the position being taken by Senate Republicans is not a new idea either. As a matter of fact, the Democratic leader in 2005 said this—of course, this was when President George W. Bush was President. Senator REID said:

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.

Senator REID was entirely correct. That is what the Constitution says. As I mentioned earlier, the President can nominate anybody he wants, but the Constitution does not say the Senate is obligated to give a vote to that nominee.

I would note that I read some of the remarks of the Democratic leader this morning, and I just want to say he was apparently critical of a story written that included my name and the word "pinata" included in the story, suggesting this was somehow a threat.

I would be surprised if any person who actually aspired to be on the U.S.

Supreme Court—a current judge or a legal scholar or lawyer—would allow themselves to be used by this administration in making a nomination to the Supreme Court for a seat that will not be filled during the remainder of President Obama's term, knowing they will not be confirmed. And even if a member of the same political party as the President is elected President next year, there is no guarantee that same person will be renominated. So I likened the nomination process and confirmation process to a pinata, which is only to say the confirmation process around here has gotten pretty tough.

But I am not going to be preached to by the Democratic leader, by the Democrats who have been responsible for filibustering judges, creating a new verb in the English language—"Borked"—when they blocked Robert Bork's appointment to the U.S. Supreme Court, when the Democratic leader invokes the nuclear option, breaking the Senate rules for the sole purpose of packing the DC Circuit Court of Appeals with like-minded judges so that the President wouldn't have to worry about judges who might question overreaching his authority under the Constitution by issuing Executive orders or otherwise circumventing the role of Congress. This is a playbook that has been written by the Democratic leader and our colleagues across the aisle. Do they expect us to operate under a different set of rules than they themselves advocated for?

Here is what Senator REID's successor in the Democratic caucus said in 2007. This was 18 months before President George W. Bush left office. Senator SCHUMER, the Senator for New York, said: "For the rest of this President's term [18 months] we should reverse the presumption of confirmation."

I don't really know what he is talking about. There never was a presumption of confirmation. But I guess he is assuming the deference some people show when a President does nominate a Supreme Court Justice. We haven't seen much of that deference lately, I might add. But this is what Senator SCHUMER goes on to say: I will "recommend to my colleagues that we should not confirm a Supreme Court nominee except in extraordinary circumstances."

Essentially, what Senator SCHUMER was saying is that 18 months before President George W. Bush left office, if there were a vacancy created, they would presume not to confirm that nominee.

Of course, we know that back in 1992 when he was chairman of the Senate Judiciary Committee, Vice President BIDEN said: "The Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over." That is what Vice President JOE BIDEN said in 1992.

I see the distinguished chairman of the Judiciary Committee here on the