

well as the junior Senator from Rhode Island and the senior Senator from Minnesota. There is the chairman of the Judiciary Committee, Senator GRASSLEY, who worked to move this bill quickly out of committee by voice vote.

I also thank the many Senators who worked with the bill managers to process the kinds of amendments both sides agreed would make this bill even better. That includes the senior Senators from Iowa and California, whose amendment would aid in targeting illegal drug importation. It includes the senior Senator from West Virginia, whose amendment will build upon education and awareness efforts in an effort to underline the dangers of opioid abuse. It includes the junior Senator from Pennsylvania, whose amendment would allow Medicare Advantage and Part D plans to implement a prescription drug abuse prevention tool, a tool similar to what is already available and used in Kentucky in the Medicaid Program and in private plans.

The bipartisan collaboration we have seen thus far shows what we can achieve on behalf of the American people when we work together toward important shared priorities. The passage of CARA would bring us one step closer to ending prescription opioid and heroin addiction and overdose, so let's keep working together to pass it.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, the Republican leader and I have worked together in leadership capacities in the Senate for almost 20 years. He has been the whip and I was the whip. I was majority leader, he was minority leader, and vice versa. My presentations the last few weeks do not take away from the fact that MITCH MCCONNELL and I are friends. We have worked together for a long time, and we have done our best to move the Senate forward. But that does not take away from my need as a Senator to pronounce publicly when he and I disagree. So I want to make sure the record is reflective of that.

As each day passes, the Republican leader continues to transform his caucus into the party of Donald Trump. That is not good. You can see it in the Republicans' rhetoric. The Senators are using increasingly extreme and disturbing language in defending their unprecedented obstruction of President Obama's Supreme Court nominee, who yet is unnamed.

The assistant Republican leader said the President's eventual nominee "will bear some resemblance to a pinata." We talked about, in the past, what a pi-

nata is. He is comparing a Supreme Court nominee to a children's party favor that gets smashed repeatedly with a baseball bat or something similar to a baseball bat. That is nothing more than a thinly veiled threat from Senator CORNYN, serving notice on the coming assault on the President's nominee.

We should not forget that we don't know who this nominee will be. We know nothing about this person, whether it is a man or a woman, educated at Harvard or Stanford or the University of Utah or the University of New Mexico. We don't know. But the Republican leader doesn't care who the eventual nominee is. It appears that is the case. He doesn't want his Senators to care either. All he cares about is appeasing the Trump wing of the party—which is getting pretty big—and Trump's radical followers.

After all, this is the same Republican leader who yesterday again refused to distance himself from Donald Trump. He refused to condemn his hateful campaign for President. Instead, he pledged to support the Republican nominee. It is really shocking to see this transformation. Republicans have not always been this irrational and vicious.

Even Senator CORNYN used to know better. During Justice Alito's confirmation hearings, the then-junior Senator from Texas was also talking about pinatas as he decried personal attacks on Supreme Court nominees. Here is what he said:

I'm happy Judge Alito survived these unwarranted attacks. I'm also sorry that his family had to be subjected to them, as well. At some point, however, we as a committee will need to come to terms with our confirmation process. The current regime treats Supreme Court nominees more like pinatas than human beings. And that's something none of us should be willing to tolerate.

The Republican whip gave this pinata talk the day the Senate Judiciary Committee approved the Alito nomination. Now that President Obama is the one putting forth a Supreme Court nominee, it seems the assistant Republican leader is willing to tolerate, even promote, these "unwarranted attacks" he once denounced. Why the change? The answer is very simple: The senior Senator from Texas, like every other member of his caucus, is simply obeying the Republican leader's orders as he leads them to become the party of Trump, the caucus of Trump, the conference of Trump. This is the path the Republican leader has chosen for his party—a path of demagoguery and lapsed constitutional duties, a path which he forged and which led to the rise of Donald Trump. I do not understand why so many of my Republican colleagues are blindly following this path down a very bumpy road. Where are the moderate Republicans—however few there may be—who see that they are being used by the Republican leader to appease the Trump wing of the party? Where are the voices of reason from within the Republican caucus who will take a stand against this unprecedented dereliction of duty?

Keep in mind, a decade ago the Senator from Texas was decrying a Republican nominee being treated like a pinata. Now, fast-forward 10 years, and he is saying: I am going to make a pinata out of whoever it is, even though they don't know who it is.

I know there have to be some moderate Republicans, or Republicans, because outside of this building, there are Republicans urging their colleagues to forgo this ludicrous obstruction.

A person I enjoyed working with right here, a very conservative Senator from Mississippi, Trent Lott, was the majority leader, and I worked with him very closely. He was a conservative, I repeat, but he was very pragmatic. Yesterday or the day before, he lamented his party's handling of the Supreme Court vacancy. Here is what he said:

I probably would've handled it differently. My attitude, particularly on the Supreme Court, was that elections do have consequences, sometimes bad, and I tried to lean toward being supportive of the president's nominees, Democrat or Republican.

That is how we should do things around here. It was the standard that if a President put forward a nominee and that person did not have some ethical problems and was basically qualified, we would take care of that. There is no better example of that than Clarence Thomas. I didn't vote for Clarence Thomas. I wish he hadn't gotten enough votes. But we did not stop that matter from going forward. He just barely made it. He got 52 votes. But there was no filibuster. He was nominated by a Republican President. The President liked him. On paper, he was qualified. He was a graduate of Yale Law School. But that isn't how they are doing things around here anymore.

What Trent Lott said—he is not alone. Former Republican Senator from Indiana—someone we all liked a lot—Dick Lugar is urging Senate Republicans to do the right thing and honor their constitutional duty. Here is what he said:

I can understand their reluctance given the controversy that surrounds all of the debate that has already occurred. But that is not sufficient reason to forgo your duty.

What Richard Lugar is saying is: Do your jobs. You have a constitutional obligation to do that.

Those are two quotes I just gave from strong Republican leaders telling Senate Republicans to do their jobs. So why won't they? Of the six nominations made to vacancies that have existed during Presidential election years since 1900—more than 100 years ago—each of the six has been confirmed by the Senate. That is what the Senate has done in the past and should do now.

I say to my friends across the aisle: Listen to reason. Heed your constitutional duties. Listen to what the American people are saying. They are not taking a popular stand. It is wrong. Don't fall on your sword for Donald Trump and his kind. Don't sacrifice your integrity as a Senator. Stand up

and do the right thing. Promise to give President Obama's nominee a meeting, a hearing, and a vote. That is your job, so do it.

Mr. President, I see no one on the floor. I ask that the business of the day be announced.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. 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 majority controlling the first half and the Democrats controlling the second half.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FILLING THE SUPREME COURT VACANCY

Mr. COTTON. Mr. President, there is a vacancy on the Supreme Court, and this Chamber and the American people must fully understand what is at stake in choosing the person to fill that vacancy. For a generation, Justice Nino Scalia was the conservative heart of the Supreme Court. Whoever takes his seat will not replace him because there is no replacement, but his passing has the potential to dramatically shift the delicate balance of the Court. Should Justice Scalia be replaced by a philosophically liberal Justice, the implications for the rights of Americans and the direction of our Nation would be profound.

A liberal Justice may mean that the individual right to keep and bear arms will be nullified and laws that deprive Americans of the means to protect themselves and their families will proliferate. A liberal Justice may mean that the President's extraconstitutional Executive order to grant amnesty to illegal immigrants will be upheld, trampling the separation of powers and the will of the American people. A liberal Justice may mean that President Obama's plan to destroy America's coal industry will survive, destroying thousands of jobs and steady income for American families.

A liberal Justice may mean that the government will be empowered to force people of faith to violate their deeply

held beliefs to subsidize abortifacients they abhor, and these are only the issues we can foresee. Novel issues that strike at the core of our constitutional order will continue to arise and how they are settled will hinge greatly on the next Justice. Because so much depends on who the next Justice is, we cannot rush into this decision. Because the law may take such a dramatic turn, the Members of this Chamber must first get the input of the American people on what the direction of our country should be, and because the next Justice will guide American law for the next generation, the Senate should not subordinate our constitutional responsibility to advise and consent on a Supreme Court nominee to a lameduck President with a stale mandate.

This is the way forward that the majority leader and Chairman GRASSLEY have charted, and it is the right one. After all, we have an election in November. In a few short months, we will have a new President and new Senators who can consider the next Justice with the full faith of the American people.

Why would we cut off the national debate about this next Justice? Why would we squelch the voice of the people? Why would we deny the voters a chance to weigh in on the makeup of the Supreme Court? There is absolutely no reason to do so or at least no principled reason to do so. That is why no Congress in our history has confirmed a Supreme Court nominee of a lameduck President of either party for a vacancy that arose in an election year.

Abiding by this practice this year is even more pressing. Some of my Democratic colleagues argue that the American people have already weighed in on the Supreme Court by reelecting President Obama in 2012, but I will remind those who make this argument that the Constitution requires two institutions, the President and the Senate, to agree upon a new Justice, and in 2014 the voters overwhelmingly chose to send Republicans to the Senate, making clear their dissatisfaction with this President's cavalier attitude toward the Constitution and his duty to execute the laws as written. If the 2014 election meant anything, it meant that Americans do not want this President to determine alone the course of American law for a generation in the Supreme Court. When Arkansas elected me in 2014 to represent them, they sent me to Washington with the mandate to act as a check on the President, and I will carry out that mandate.

Many of my Democratic colleagues have come to this floor to demand that the Senate's longstanding practice of declining to confirm Supreme Court Justices in an election year be discarded and a nominee considered right away. Perhaps the most impassioned of these pleas come from the senior Senator from Nevada; that the minority leader would wish to discard a longstanding practice of the Senate—par-

ticularly one related to the judicial nominations—is not a surprise. He was, of course, the person in 2013 who detonated the so-called nuclear option, discarding the 60-vote threshold for appellate and district court judicial nominees that existed in this Chamber for 200 years. He did so in order to steamroll the institutional rights of the minority party and pack the lower courts with as many liberal Obama nominees as possible.

In terms of dignity and public esteem, such as he had, that ill-considered move cost the minority leader dearly. He could only exercise the nuclear option if he flip-flopped on his prior vehement opposition to it. In 2005, the minority leader stood steadfastly against the nuclear option when it served his political interests. He called the nuclear option wrong, illegal, and even un-American. He was—to adapt a familiar saying—against the nuclear option before he was for it.

In the current debate over filling Justice Scalia's seat, we are seeing the minority leader perform a similarly brazen flip-flop, not that we should be surprised by that. Today the minority leader claimed that the Constitution compels the Senate to immediately take up any nominee President Obama sends our way, but 10 years ago, again, he sang a much different tune. The minority leader came to this very same floor to speak passionately in defense of the constitutional prerogative of the Senate to defer a vote on the President's Supreme Court pick. He forcefully stated that nowhere in the Constitution does it say the Senate has a duty to give Presidential nominees an up-or-down vote. It says appointments shall be made with the advice and consent of the Senate, and that is very different than saying that every nominee receives a vote.

What has changed in the 10 years since the minority leader uttered those words? Well, of course, merely the politics of the situation.

I ask, if the current President were a Republican, would the minority leader be taking the position he is today?

If the current President were not a fellow Democrat, would the minority leader still be inclined to trash the constitutional prerogatives of the Senate and abandon its longstanding customs?

In light of what you might call the diversity of the minority leader's views over time, I think it is understandable that questions have been raised about the sincerity of his position. In the quiet moments following the rambling jeremiads that the minority leader directs at Republicans on the Senate floor, I think my colleagues might be forgiven if they entertain the thought that the principled ground on which he claims to stand is slightly less than firm.

In the coming months, there is much work for Congress to do. We must pass a bill to fund and rebuild our military.