

SUPPORTING THE DESIGNATION OF MARCH 2016, AS "NATIONAL COLORECTAL CANCER AWARENESS MONTH"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 395, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 395) supporting the designation of March 2016, as "National Colorectal Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR THURSDAY, MARCH 10, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 11:15 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of S. 524; further, that notwithstanding the provisions of rule XXII, all postcloture time on S. 524 expire at 11:30 a.m.; finally, that the time following morning business until 11:30 a.m. be equally divided between the two managers or their designees.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators INHOFE and SULLIVAN.

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

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes as in morning business.

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

FILLING THE SUPREME COURT VACANCY

Mr. INHOFE. Mr. President, I am rising now to respond to a statement that was made by our good friend from Illinois a few minutes ago, to clarify. It is kind of interesting that we look back and we find that when the Republicans had someone in the White House and the Democrats were trying to block a nomination, it was just the opposite as it is today. In fact, at that time, the Senators in the leadership of the Democrats—Obama, Biden, Clinton, Schumer, and Reid—all made the statement, a joint statement that the Senate does not have to confirm Presidential nominations and urged that the Senate refuse to do so, especially in an election year.

Now, it is just the opposite of what the Senator said, but I don't blame them. I don't blame any Democrat for trying their best to get a nominee from this President because, as a Democrat, they are more liberal than Republicans are, and they would like very much to have a chance to change the balance of the U.S. Supreme Court, which has been consistent in recent years in objecting to some of the extremist left programs. So I can't blame them for trying, but nonetheless that is not going to work.

I applaud the leader. At the time the death—the sad death—of Scalia took place, he was in a position where we were in recess and so he had to make a decision and the decision was the right decision.

Anyway, I wish to share a couple of letters with you that came from my State of Oklahoma.

I will give the names and addresses, if anyone wants to check. This is what real people—you get outside the beltway, get out of Washington, DC, and get back to States such as Oklahoma, these are the concerns they have.

I want to read the first one. This is from a guy named Robert from Tulsa, OK. It came right after the sad death of Justice Scalia. He said:

Dear Senator Inhofe,

I have just learned of the death of Justice Scalia. I should only be feeling sadness at the death of this great patriot and man of the law. I am terrified of what I am sure is now already in the works, his replacement by President Barack Obama.

The person who replaces Justice Scalia will have the potential to change the balance of power on the bench for decades and may have the possibility to reshape the political landscape immediately and unalterably.

I, therefore, beg you and all of your fellow Senators to not vote to affirm any candidate put forward by President Obama. This is an election year and the people should be given a chance to choose which direction this country will go and not have it decided by President Obama as he leaves the White House.

Please, do not vote for any candidate offered by this administration.

Another letter just came from Chickasha, OK, from Donald. He says:

Dear Senator Inhofe,

I have just received word of the death of Supreme Court Justice Scalia. His death is a loss for the conservative movement, but I fear it also puts our country in peril.

With Scalia gone, President Obama will certainly present a nominee for his seat. If it is a justice that holds to Obama's progressive ideals and agenda, it could mean grave danger for our Constitution.

I urge you to hold fast and refuse to confirm ANY Obama appointee to the Court. Hold out until he is out of office. I feel the future of our nation depends on it.

That is from Donald of Chickasha, OK.

Next is a letter from Matthew of Claremore, OK. Claremore is one of the towns where our famous Will Rogers spent his childhood. Everyone has heard of Will Rogers—a great guy. Matthew said:

Senator Inhofe,

I am contacting you in regards to the loss of Justice Scalia and his replacement. Justice Scalia was a brilliant man and a true patriot. Unfortunately, I do not feel any appointee by the President would follow the Constitution and serve with the same virtue as Justice Scalia. I am asking that you and the other members of the Senate do not confirm a new Justice until after the election, when the newly elected President can make the appointment. We have sent you to Washington to stop the agenda of the President that runs contrary to the wishes of the country. Please stand on your principles and do not allow the President to appoint another Justice that may be detrimental to our freedoms for decades to come. Thank you.

That is Matthew from Claremore, OK. Let me assure you, of the hundreds of letters we have received, I have read them. I have no intention of changing the pattern that has been in existence since 1888 and allow a President, during an election year, to make such a nomination.

So I think we did the right thing. I think it would have been inappropriate to say we are going to have hearings, knowing that we were not going to confirm a nominee. I don't think that would be fair to the nominee.

So these are just a few examples of the hundreds of letters and calls from constituents that I have received, asking that the Senate wait to confirm the next Supreme Court nominee until we have a new President.

We have heard from our colleagues and pundits on the other side—the Democrats, the other side of the aisle—that it is our constitutional duty to confirm President Obama's nominations.

The Constitution says, and it says very clearly, that the President "... shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the supreme Court."

The Senate clearly has a role in this process, and the Senate can either give its consent or it can withhold its consent and completely fulfill its constitutional duties. So it doesn't make any difference. We have the latitude of making a determination, and we are

going to do it. It wasn't long ago when the Democrats were singing a different tune when the Republican was in the White House, and that would have been President Bush at that time. Some of the Democrats on the floor said that the Senate does not have to confirm Presidential nominations and urged that the Senate refuse to do so, especially in an election year.

The Democrats were saying that, so it is just the opposite of what they are saying today. In fact, the leadership who was saying that at the time was none other than Senators Obama, he was a Senator at that time; BIDEN, he was a Senator at that time; Clinton, she was a Senator at that time; and Senators SCHUMER and REID. They all made the same statement. They said the Senate does not have to confirm Presidential nominations and urged that the Senate refuse to do so, especially in an election year.

Now, that is where there is a difference of opinion because actually the last time it was done in an election year was 1888. You have to go all the way back to 1888—128 years before you find a similar situation to the one we are in today. That is the last time a vacancy arose during an election year and was filled by the Senate from a party on the opposite side of the President. That is the last time that happened, 1888, and we are not about to change that now.

Furthermore, even if this were not true, this President hasn't worked with Congress on much of anything. So why should we work with him on this?

That is not the point. The point is, we don't have to do that, and when the Democrats were in control of the Senate and the Republicans had the White House, they made it very clear the leadership said the Senate does not have to confirm a Presidential nomination, and they urged us not to do it. And so the tables are turned now.

Now why is this important? We have seen time and again when President Obama is not able to get his liberal agenda through Congress, he has turned to Executive action and to agency rulemaking to implement priorities. These regulations are actually making their way through our courts and are either going to be heard by the Supreme Court or have already been heard by the Supreme Court.

President Obama's Executive amnesty was stayed by the lower courts, and the Supreme Court will decide this term if that injunction will stand or not.

What we are saying is this: The President has a very liberal agenda on almost every social issue, every fiscal issue, every military issue. It is a very liberal agenda. So when the President can't get things done through legislation, he then turns around and tries to do it through regulation.

I will give an example. If you talk to the American Farm Bureau right now, they will tell you the greatest problem farmers and ranchers have—I know

this because I am from the farm State of Oklahoma—is not anything in the Agriculture bill. It is the overregulation of the EPA. Of all the regulations that are damaging to farmers and ranchers in America, the one they single out as being the worst is the WOTUS rule; that is, the waters of the United States.

Historically, it has always been in the jurisdiction of the States as to how to control and manage the waters of the United States, except in cases where it is navigable waters. Well, we understand that. We understand that is where the Federal Government should be involved. But 6 years ago there was a lot of legislation and one bill in particular that was offered in the House and the Senate that would take the word “navigable” out. That being the case, that would mean all the waters in a jurisdiction would go from the States to the Federal Government, and we weren't going to let that happen. But this is what is going on right now. Things they have tried to get passed through legislation and haven't been able to do, they are trying to do through regulation.

If the Supreme Court is split 4 to 4 in these two cases I just mentioned, the injunctions of the lower courts will stand until the underlying issues are fully litigated. That is what they are waiting for right now. The Court has said that until the litigation is cleared up, we are not going to act on this rule. Well, as you know, that is going to take a long time for that to happen.

The Clean Power Plan is the other one. You might remember—to give a little background—that going back to the year 2000, which is when all this global warming started and the end of the world was coming, they were introducing legislation at that time to have cap and trade and regulate the emissions of CO₂ throughout America.

When people realized how much that would cost and the fact that the science was not yet settled, it was defeated. Every time they brought it to the Senate, it was defeated. I am talking about through legislation trying to do a cap and trade in America.

One of the interesting things was that the first Director of the EPA that was appointed by this President was Lisa Jackson. I asked her a question in a hearing that was on the record and live on TV. I said: If we were to pass either this legislation or cap and trade or do it by regulation in the United States, would that have the effect of lowering the emissions of CO₂ worldwide? She said: No, because this isn't where the problem is. The problem is in China. The problem is in India. The problem is in Mexico.

So we went through that whole thing, and the President, when he came into office, decided: Well, they are never going to pass this by the elected representatives of the people, so we will do it by regulation. So he came out with the Clean Power Plan.

The Clean Power Plan is what President Obama came up with, and it es-

entially does the same thing as legislation would do when it would perform cap and trade for the States. We remember the trip to Paris. When he got to Paris, he was unable to get anyone to do anything.

The deal they came up with was kind of humorous because China said: No, we are going to continue our emissions until 2025; at that time, we will start lowering our emissions. They were not going to do it, and they are not going to do it. But nonetheless, that was the Clean Power Plan that came up, and it was essentially the same thing that was killed by legislation.

The Clean Power Plan would cost about \$292 billion, and it mandates carbon dioxide cuts from the power sector to meet the President's standards. President Obama said in Paris that we are going to lower our CO₂ emissions between 26 and 28 percent by 2025. Now, he never said how we would do that—never. He never did say how we were going to comply with that. But nonetheless, he was going to try to do that and, obviously, that was something that would not have worked.

These and other Executive actions and regulations will have a big impact on our people and our economy and will all likely be decided by the Supreme Court. That is where I get back to the Supreme Court. The Clean Power Plan would then be decided. Right now on the Clean Power Plan there is a stay in the U.S. Supreme Court on the Clean Power Plan until all of the litigation that is pending right now can be settled. That could be a long time—certainly way past this particular Presidency.

It is not just the Executive actions he has taken but the moral direction of our country too. Just last week, the Supreme Court heard a case challenging the State of Texas on its new abortion regulations that require that clinics meet the standard of other outpatient surgical clinics and mandate that abortion doctors have admitting privileges at nearby hospitals. That is the Supreme Court. That is the type of thing you would see if the liberals would have their way and if the Supreme Court would change its direction.

Many of these decisions are 5-to-4 decisions, and that is why I say this is an important decision. It is the American people who will bear the burden of these decisions and, therefore, they should have a say in who would fill Justice Scalia's vacancy. So this decision should be made by the next President. Let a new President decide who should replace Justice Scalia. That is exactly what is going to happen.

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

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

AMERICAN LEADERSHIP

Mr. SULLIVAN. Mr. President, I know today we have been focusing on a really important bill, the CARA bill, which has been led by Senator PORTMAN, Senator AYOTTE, and many others. It is a very important bill for our country, for States like Alaska that are seeing this explosion of opioid use, heroin use, and drug addiction that is impacting so many families. I had the opportunity to talk about this, when I was home in Alaska last week down in Juneau, in front of our State legislature.

This legislation is showing bipartisan work, which is very important to the country and very important to States like Alaska. I am certainly proud to be a cosponsor of that bill. We are going to continue to try to get that over the goal line.

I think it is important to focus on issues not only domestically, of course, but issues beyond our borders as well. What I want to talk about in terms of these kinds of issues this afternoon is the issue of American leadership in the world today.

A lot of us in the Senate have experience in foreign policy and national security issues. There have been Members who have served in the State Department, decades in the military—the Presiding Officer has a lot of experience in international business—and so we have a fair amount of experience here. Certainly, it is part of our responsibilities under the Constitution, as Senators, to be very focused on these issues—these important issues of national security, of foreign policy. Attending hearings, codels, and meetings with foreign leaders are all part of our responsibilities.

One thing is very clear. Foreign policy and national security issues are almost always messy, complicated, never really have easy solutions, and are often very opaque in terms of what is happening in the world and how it impacts the United States. We recognize that. That is usually the case. But sometimes in the world of foreign policy, sometimes in the world of national security, there are moments of clarity when big issues come into focus. It doesn't happen often. It is rare. But when it happens, you know it. When it happens, you sense it.

I was recently part of a bipartisan congressional delegation led by one of the foremost experts on foreign policy and national security in the Senate, Senator JOHN MCCAIN. We all went to the Munich Security Conference in Munich, Germany. For over 50 years, this has been where leaders have come together—Americans, certainly, Prime Ministers, Foreign Ministers, Defense Ministers, international affairs experts—to discuss national security and foreign policy issues, usually as it relates to the Atlantic partnership—NATO, the EU.

My experience there led to one of these clarifying moments, and I think I am speaking for many of the people who were at Munich about 3 weeks ago. Here is the clarifying moment: The United States is withdrawing from its traditional leadership role in the world. Our allies know it, they feel it, and they are desperately worried about it.

In meeting after meeting, in speech after speech, if you were in Munich a month ago, listening, paying attention, discussing the state of the world's security with our allies, you heard it. You heard it. Sometimes it was subtle, sometimes it was direct, and, occasionally, it was even pleading—pleading from our allies, pleading for American leadership in the world again. We saw that.

One of the meetings we had was with an important leader of an important country in Europe. The Presiding Officer and I were there. At the end of the meeting, this leader was asked: What can the United States do to help your country in terms of security—aid, military cooperation? What can we do? This leader looked at a group of several Senators, bipartisan, and said: The United States has to lead in the world again. You are not leading, and the world is becoming a much more dangerous place because of the lack of American leadership. Whoever the next leader of your great country is, please tell that person that the United States has to lead again.

Think about that. That was the message. That was the message from Munich. Our friends are worried. They have certainly lost confidence in us, and our adversaries are taking advantage of the vacuum that we have left all around the world. That was the message of Munich, and anyone who went there heard it.

Now, I know some of my colleagues might be thinking: Well, this is a Republican Senator on the floor of the Senate, criticizing the Obama administration. That is probably a partisan criticism. But there were many people at Munich. There were Republicans and Democrats at Munich. Just a perusal of newspaper articles from those who went—and some who weren't there—shows that all are writing about the same issue—that one of the principal foreign policy issues facing the world, facing the United States right now, is what the lack of U.S. leadership globally is doing to the national security of our country and to that of our allies.

Let me just provide a few examples. Senator Joe Lieberman, who graced this body with his knowledge and expertise and wisdom for many, many years—a Democrat—was in Munich. Not too long after coming back, he wrote in the Washington Post:

The world has never seemed as dangerous and leaderless as it does now. Only the extremists and bullies act badly, and therefore have seized the initiative.

It's a moment in history that invokes the haunting words of W.B. Yeats: "The best

lack all conviction, while the worst are full of passionate intensity."

That was Senator Lieberman, who was with us in Munich just a couple of weeks ago.

Former Under Secretary of State Nicholas Burns, who has worked for Democrats and Republicans, was also there. I served under Secretary of State Condoleezza Rice with Under Secretary Burns—a great career foreign service officer. He also stated: "We are being humiliated. We've lost our strategic foothold"—he is talking about the Middle East—"and we've abdicated our leadership." That is not a Republican partisan saying that.

GEN John Abizaid—in my view one of the premier military leaders our country has seen in a generation, whom I had the honor of serving with as a marine major—recently stated: "Without American leadership, we're not going to move in a direction that's going to produce effective results."

There was another recent article in the Washington Post by another observer, an expert on foreign policy issues, Fred Hiatt, who wrote about what he saw at Munich. What he stated was that the endless negotiation by our Secretary of State "that perpetually, and falsely, holds out the prospect of imminent progress" on so many different issues ends up "providing cover" and "is an excuse for inaction," an "anesthetic," he said, where the Congress and the American people don't even have to feel about focusing on these issues, what is going on in the Middle East or the South China Sea or North Korea or the Korean Peninsula because we have endless diplomacy that covers it.

Finally, another participant in Munich, former Senator Bill Cohen, who worked as the Secretary of Defense for President Clinton, stated: "We no longer seem to know what our role should be in the new century."

He was interviewed on the radio a couple of weeks ago right after Munich:

Are we going to lead from behind? The truth is that President Putin has been bombing and the United States has been dithering.

That is former Secretary of Defense Bill Cohen, former U.S. Senator Bill Cohen.

It is very clear, whether you are Democratic or Republican, that anyone who spent time at the Munich security conference a few weeks ago came away with a similar conclusion: Our allies are extremely worried about what is clearly happening—the withdrawal of U.S. leadership from the world. They are seeing it, and we are seeing it in almost every region of the world. It is leaving a vacuum. Other countries that don't share our interests and don't share our values are filling that vacuum. We know the list. We have been debating it on this floor. Russia, certainly. Whether it is in the Middle East, Syria, Ukraine, the Arctic, Iran, the world's largest state sponsor of terrorism—our diplomats and Secretary of