

generation. It is a change in direction that could have significant implications for the rights we hold dear. That includes our Second Amendment rights and our First Amendment rights, things such as Americans' ability to speak out politically and practice their religion freely.

The American people obviously deserve to have a voice in this matter. It is the fairest and most reasonable approach we could take. During our current national conversation, Americans could make their voices heard on the kind of judicial philosophy they favor.

One view says that judges should be committed to an even-handed interpretation of the law and the Constitution so that every American gets a fair shake. Another view—the so-called empathy standard that President Obama favors—says that judges should, on critical questions, rely on their personal ideology to resolve a case.

I know which view Justice Scalia took. He said that setting aside one's personal views is one of the primary qualifications for a judge. "If you're going to be a good and faithful judge, you have to resign yourself to the fact you're not always going to like the conclusions you reach."

The American people will have the chance to make their voices heard in the matter, and that is thanks to a dedicated Senator from Iowa who continues to stand strong for Americans' right to have a say. Chairman GRASSLEY has gotten a lot done under the new majority, just as the Senate has gotten a lot done under the new majority. We will mark another important accomplishment for the American people this morning with the passage of CARA.

Now Senators have a choice. Senators can endlessly debate an issue where the parties don't agree or they can keep working together in areas where we do. I say we should continue doing our work, and the American people should continue making their voices heard. That is good for the country, and that is the best way forward now.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. REID. Mr. President, we are certainly pleased we are going to pass this opioid bill shortly. Everyone should understand that the bill would have had some meat if, in fact, we had an opportunity to adopt the Shaheen amendment. It would have funded the authorization that we are now talking about.

My friend always talks about the \$470 million. That has already been obligated. That was last year's obligation to take care of this issue. This author-

ization bill has no money. For my friend to say we have \$470 million is certainly not a factual statement.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, 3 years ago voters went to the ballot to elect a President of the United States, the most powerful Nation in the world. The American people spoke, and they overwhelmingly elected President Obama to a second term.

We know that my friend the Republican leader stated that the Republicans had two goals: No. 1, to make sure that Obama was not reelected; and No. 2, that they would oppose everything Obama tried to do. On the first, they were a failure. Obama was reelected with more than 5 million votes. The other agreement the Republicans made was to oppose everything that Obama wanted to do or tried to do, and they have stuck with that. That is why we have had 7 years of turmoil, 7 years of not doing nearly as much as we should, 7 years of endless filibusters.

So my friend the Republican leader can talk all he wants about the progress made last year, but anyone studying what has gone on in the Senate recognizes that simply is without any basis. We have done so little that some political scientists say it is the most unproductive year that has ever been spent in Washington. But 3 years ago, voters went to the ballot box to elect a President. The American people spoke. They spoke loudly, as I have indicated, and they overwhelmingly elected Barack Obama for a second term. It was a 4-year term he was elected to, not a 3-year term—a 4-year term.

During the Presidential term of office, our President has obligations—constitutional obligations. But Republicans continue to reject that election. They continue to reject Barack Obama's Presidency. They say he is illegitimate. They continue to reject the will of the people.

When he was reelected overwhelmingly, obviously, they gave him the constitutional powers to do whatever is within the Constitution. One of those is to nominate Supreme Court Justices, just as he did in his first term. Yet the Republican leader and the senior Senator from Iowa remain committed to blocking the President's nominee. They are not following the Constitution. Republicans are not following the Constitution. The whole country is taking note. But the State of Iowa is taking special note.

Earlier this week, a mother wrote an open letter to Senator GRASSLEY that appeared in the Des Moines Register. Here is what she said:

Refusal to abide by the tenants of our Constitution, and confirm a qualified candidate to the Supreme Court, is a violation of our common values. Your example to my children is that it doesn't really matter what the rules say; if the stakes are high enough and

the chips don't fall your way, it's OK to arbitrarily change the rules and deny the other player his/her turn.

That is the Senate Republicans' lesson to the people who elected them. It doesn't matter who you elected for President, we will refuse to do our duty just to follow Donald Trump's example. Remember what Donald Trump told all of my Republican friends and the country on the Supreme Court nomination. Here is his very, very detailed explanation of what he wants to do. Here is what he said: "Delay, delay, delay." Then he went on to something else. The Republicans have followed that.

Yesterday, Professor Jonathan Carlson of the University of Iowa—he is a professor of law there—published an op-ed in the Cedar Rapids Gazette, a newspaper in Iowa. In the editorial, Professor Carlson wrote:

Grassley's decision [will] rob Americans of their voice.

He went on to say:

The voters elected President Obama to fill the next Supreme Court vacancy, and that vacancy is now upon us. Obama should be allowed to do the job he was elected to do.

Grassley's problem isn't that he wants to give the American people a chance to decide this issue. His problem is that he doesn't like the decision they already made.

Republicans should not ignore the voice of the people just because they don't like what the American people declared, but that is just what the senior Senator from Iowa continues to do—ignore the people of Iowa and the rest of America.

Thirty years ago, Senator GRASSLEY had it right. When the Judiciary Committee began its consideration of the elevation of Justice Rehnquist to be Chief Justice, he said: "This committee has the obligation to build a record and to conduct the most in-depth inquiry that we can." Let me repeat that. "This committee"—he is referring to the Judiciary Committee—"has the obligation to build a record and to conduct the most in-depth inquiry that we can."

Now Senator GRASSLEY isn't interested in inquiries or building a record. He refuses to meet with the nominee, even if the nominee is from Iowa. He refuses to hold a hearing, and he refuses, of course, to have a vote.

Senator GRASSLEY isn't interested in inquiries or building a record. Through his obstruction, he is already choosing to close the door on a potential nominee. He has even said that he will not consider the nomination of his fellow Iowan Judge Jane Kelly, even though she was overwhelmingly elevated from the trial court to the appellate court in this body with, of course, Senator GRASSLEY leading the charge on her behalf. So what he said about his fellow Iowan, Jane Kelly, is a little strange—a little odd—because it was Senator GRASSLEY who strongly supported Judge Kelly and pushed her confirmation to the Eighth Circuit Court of Appeals. Senator GRASSLEY says he will preemptively reject Judge Kelly, or

any nominee, out of—listen to this one—principle, and that is because Republicans' only principle is obstruction.

As chairman of the Judiciary Committee, he has fallen in line with the Republican leader's obstruction and followed what Donald Trump has suggested: Delay, delay, delay. He is going to great lengths to shut down voices who simply want to do their jobs. For example, at the behest of the Republican leader, he met privately with Republicans on the Judiciary Committee and twisted his colleagues' arms to sign a loyalty oath, promising to block consideration of the President's nominees. That point has already been made here and is a part of the RECORD. Next, he tried to move a committee markup behind closed doors. When Democrats objected, he canceled the meeting. He also used the Presiding Officer's chair here on the floor to shut down debate on the Supreme Court vacancy, which is really unheard of, but he did it.

Time and again, the senior Senator from Iowa has followed the orders of the Republican leader and Donald Trump and sought to silence his critics and shut the American people out of the Senate's business. Why? If the Senator's obstruction is truly supported by the Constitution and history, why wouldn't he want to have a debate in the open? Let's debate it on the Senate floor. President Obama's nominee deserves a meeting, a hearing, and a vote. The American people deserve a Senate that honors the Constitution and provides its advice and consent on Supreme Court nominees.

As Professor Carlson said, by refusing to give President Obama's nominee consideration, Senator GRASSLEY is robbing Iowans and Americans of their voice. Listening to the American people is our job, and Senate Republicans should do their job.

Mr. President, what is the Senate business today?

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 until 11:15 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

NATIONAL SECURITY SATELLITE LAUNCHES

Mr. DURBIN. Mr. President, yesterday the senior Senator from Arizona took to the floor to criticize the work of the Defense Appropriations Subcommittee. I am honored to be on that subcommittee as the vice chairman

and to work with Senator COCHRAN, the Republican from Mississippi.

The senior Senator from Arizona argued that the support for Republican Presidential candidate Donald Trump is somehow connected to the work of the Defense Appropriations Subcommittee. I have heard some pretty outlandish claims by Mr. Trump on the campaign trail, but the fact that he would capture the hearts and minds of the Defense Appropriations Subcommittee with his rhetoric is beyond me.

Senator COCHRAN has been a Member of the Senate for many years. He is respected and has worked his way up to be chairman of the full committee. I have worked with him and found him to be an excellent partner. He is bipartisan and tries to make sure that we protect our Nation's national defense. I have never found him to be in the thrall of Donald Trump, but that suggestion was made yesterday by the senior Senator from Arizona. I will leave it to the American people to judge the wisdom or absurdity of that allegation.

I would like to take a moment to correct the record on a few of the things that the senior Senator from Arizona said. The issues involved are pretty complex, but the crux of it comes down to this: The senior Senator from Arizona is proposing to waste \$1.5 billion—and perhaps as much as \$5 billion—on a controversial proposal on how the Department of Defense and intelligence agencies should launch national security satellites. In addition to costing billions of dollars—that is billions, not millions—the senior Senator from Arizona's proposal is opposed by the Secretary of Defense, Ash Carter; the Director of National Intelligence, James Clapper; the Under Secretary of Defense, Frank Kendall; and the Secretary of the Air Force, Deborah James. One would think that the senior Senator from Arizona, who chairs the Defense Authorization Committee, would note that it is unified opposition from the Department of Defense to his ideas. Each of these individuals has expressed strong concern about the ideas of the senior Senator from Arizona. They have stated as clearly as they can and as often as they can that what he has in mind will harm our national security. They have even stated it in the senior Senator's committee hearings. He is either not listening, paying attention, or refusing to agree. Nevertheless, all that I did, all that the Senate has done last year with Senator COCHRAN on a bipartisan basis, was to listen to our senior national security leaders while protecting taxpayers from wasting billions of dollars.

The matter generating all of this discussion is about competition for launching defense satellites into space. Let me tell you at the outset that before I came to the subcommittee, we made a terrible decision. About 10 years ago, the two leading competitors for launching satellites into space were two private companies, Boeing Aircraft

and Lockheed. They came to the government with a suggestion, and they said: We've got a great idea. Instead of competing against one another to launch satellites—listen to this—we will merge our companies together, and we will save the government lots of money. I don't know why, but the Department of Defense and the committees on Capitol Hill bought it, and they created the United Launch Alliance, or ULA. It became a monopoly. These two merged corporations became a monopoly in launching satellites. You know what happens when you have monopoly status? The costs go up dramatically, and that is exactly what happened.

In the last 10 years, United Launch Alliance has been a reliable partner with the Department of Defense, and they have launched satellites and other things into space which have been critical for national security. But because they are a monopoly with no competition, they became very expensive.

There are new entries in the market that are promising in terms of launching satellites, and one of them is SpaceX. SpaceX has matured into a company that can play an important role in the future of satellite launches. I noted this fact, and as chairman of the Defense Appropriations Subcommittee, I did something that is unusual by Capitol Hill standards. In January of 2014, I held a hearing. At the same table I invited the CEO of United Launch Alliance and the CEO of SpaceX to sit next to one another and testify. They answered questions about their capabilities and about the history of space launch in the future. The committee members asked them how they could save money, and each of them responded. At the end of the hearing, I suggested to each of the CEOs that they propound up to 10 questions to the other CEO that they didn't think were covered in our hearing. I tried to make this as open as possible and to invite a new competitive spirit when it came to these space launches. I think it was constructive.

It is also clear that there is another element in this issue that brought the senior Senator from Arizona to the floor. The United Launch Alliance has several engines that can take a satellite into space. The most economical one, the RD-180, is not built in America. It is built in Russia. Now, that has become a major problem. Put Vladimir Putin and his adventurism to the side here. I have even joined with the senior Senator from Arizona, condemning what Putin has done in countries such as Georgia and Ukraine and his threats to the Baltics and Poland. Put that over to the side for a moment. It is best for us to make our own engines when it comes to the launching of satellites for America's national defense and intelligence. We put millions of dollars in the appropriations bill to incentivize the building of a new engine so we can finally break away from our dependence on this Russian RD-180 engine. For 2 years we have been putting that money in the bill.