

## PRESCRIPTION DRUG ABUSE

Mr. REID. Mr. President, the Republican leader mentioned a number of things, and I am not going to talk about all of them, but there is one thing I want to focus on for just a minute. We have something that is devastating moving forward throughout this country, and that is poisoning by opioids. These products that come in the form of medicine prescribed by doctors have been devastating and sweeping the country.

Of course, I am glad we are moving forward on Dr. Califf—he is a fine man, and he will do a good job as head of the Food and Drug Administration—but we are going to move to some legislation dealing with these poisons. I would hope that everyone would appreciate the fact that what we are going to do, as we do too often, is celebrate the passing of legislation that really doesn't have much to do with reality. The only way we are going to do a better job of fighting this scourge is to have some resources to help people who have the responsibility to do something about that. We need to take up the Judiciary Committee's opioid bill, maybe even as early as next week, but we also need to devote real resources, not just lipservice, to this important problem.

## FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, I know the Republican leader is doing his best to try to make a good picture here as to why he has made the decision that the Senate is not going to confirm any Supreme Court nominee the President puts forward. I heard one statement by the former chair of the Judiciary Committee this morning saying it doesn't matter whom he puts up, we are not going to vote for him or her, whatever the case may be. But the facts my friend provides are absolutely distracting and they are wrong. He can read all the statements he wants from the senior Senator from New York and the Vice President, but never were any nominees held up.

In fact, we don't have to go back to Grover, as he indicated, to find a similar situation. Let's talk about Ronald, a more recent President. In 1988, in the last year of his Presidency, President Reagan put forward the nomination of Anthony Kennedy to be a Supreme Court Justice. That was in the last year of his term. And what did we do? We took it up, and he was confirmed.

There is a lot of time to do things. Vice President BIDEN's statement was made in the middle of the summer of the year he spoke, but there is so much time left. We have 333 days left in President Obama's term of office, so there is plenty of time to get the work done. The average number of days to confirm Justices is 67 days, so I think we should be able to squeeze 67 days out of 333 days.

I don't want to burden everyone with facts, but sometimes they can get in the way of some of these ridiculous diversions from what our job should be. When Senator BIDEN was chairman of the Judiciary Committee in 1991 and 1992 during George W. Bush's term, we confirmed 120 judges. Certainly that hasn't been the case in the last few years because Republicans basically have opposed all judges. And now this new direction toward making sure there is no confirmation of a Supreme Court Justice is obstruction on steroids.

This is really a pivotal moment for the Republican Party and this Republican Senate. The Republican Party of Abraham Lincoln and Theodore Roosevelt is transforming before our eyes, abandoning its last vestiges of decency and rationality and unconditionally surrendering its moral compass to Donald Trump and TED CRUZ. Gone are the days of levelheadedness and compromise. The radicals in the Republican Party have turned "bipartisanship" into a dirty word. Behind closed doors, my Republican colleagues like to express disappointment at the direction the party is taking, but never, never will they say anything publicly because the extreme elements in their party who seem to be running the party will criticize them.

Republicans should think long and hard about this simple fact: If they follow the course set by the Republican leader, every one of them will be as responsible as Trump and CRUZ in the debasement of the Republican Party. He will join them in what they have done to the party. It will be a new and much worse Republican Party.

Clearly, Senator MCCONNELL is absolutely following the lead of extremists Trump and CRUZ. There is no clearer example of this than the Republican leader's response to the Supreme Court vacancy. In the aftermath of Justice Scalia's passing, the senior Senator from Kentucky could have announced his intent to fulfill the Senate's constitutional responsibility and invited the President to send a well-qualified candidate to the Senate for confirmation. But that is not what he did because that is not the party of Trump. Instead, the Republican leader announced that he will deny President Obama his constitutional right to appoint nominees to the Supreme Court, defying all precedent that has been set, and by so doing, he will leave the Supreme Court in a state of uncertainty.

Senator MCCONNELL is leading a charge to obstruct and cheapen the Presidency at all costs, regardless of the damage it does to our democracy. Doesn't that sound familiar? Sounds like something Donald Trump would do. That is because it is exactly what Donald Trump urged Senator MCCONNELL to do. At a Republican Presidential debate in South Carolina 10 days ago, Mr. Trump said of the Supreme Court vacancy:

I think it's up to Mitch McConnell and everybody else to stop [the nomination]. It's called delay, delay, delay.

That is from Donald Trump, and that is exactly what the Republican leader is doing—delay, delay, delay.

I believe 333 days is enough to do the work we ordinarily do in 67 days.

It is disappointing that the Senator from Kentucky takes his marching orders from extremists such as Donald Trump. It is a pretty stark change from what Senator MCCONNELL used to believe. He used to loathe this radical tea party faction of the Republican Party. According to an account in the New York Times, the Republican leader once referred to the tea party Republicans as "those idiots, those people come up here and have never been in office and know nothing about being in office." Yet, today, he is meeting with those same Republicans. He is meeting with the House Freedom Caucus—the same Republicans who worked with TED CRUZ to shut down the government. And they did shut it down. It seems as though the Republican leader now subscribes to this new, radical Republicanism.

Even though this extremist brand of politics may sell in Republican Presidential primaries, mainstream Americans categorically reject it. Yesterday, Public Policy Polling released a survey of Independent voters in Pennsylvania and Ohio—not Democrats, not Republicans, but a large swath of Americans who are now Independents. These numbers should serve as a wake-up call to the Republican leader's party: 70 percent of Independent voters in Ohio believe a new Supreme Court Justice should be named this year. More than 60 percent of Independent voters in Pennsylvania believe a new Supreme Court Justice should be named this year.

The American people are telling Republicans in the Senate that they reject this obstruction of a Supreme Court nominee. Unfortunately, the Republican leader is listening to Donald Trump and the junior Senator from Texas. He is not listening to mainstream America. He is not listening to the few voices of reason coming from his own party, even from his own Senators.

Yesterday the senior Senator from Maine, a Republican, told CNN:

For my part, it's clear the President can send up a nominee—regardless of where he is before he leaves office. It is the duty of the Senate, under the Constitution, to give our advice and consent or withhold our consent. I believe we should follow the regular order and give careful consideration to any nominee that the President may send to the Senate.

There is precedent in this body. Even in the Judiciary Committee, if there is a hearing held and the person is not reported out with a majority vote, it comes to the floor anyway. Senator LEAHY—longtime chair of the Judiciary Committee, the President pro tempore of the Senate, and now ranking member of the Judiciary Committee—

will come and talk about that this morning.

I just read a quote from Senator COLLINS, but she is not alone in urging the Republican leader to follow regular order. Other sitting Senators are saying the same thing. I will not read what all of them say, but there is a small nucleus of Republican Senators who believe strongly that what Senator MCCONNELL is doing is wrong.

The Republican Senator from Indiana, Senator COATS, was quoted in one interview as saying:

If the President nominates someone, which is his choice, I think that person would deserve a hearing if that person is not someone that is just obviously nominated for political purposes.

Even the Republican leader's former colleagues agree that the President's nominee deserves a fair shake. The former Senator from Indiana, Dick Lugar, is urging Senate Republicans to do the right thing and honor their constitutional duty. He served here for more than three decades. Here is what he said yesterday:

I can't 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.

But perhaps the former Republican Senator from Maine, Olympia Snowe, said it best:

I believe that the process should go forward and be given a good-faith effort.

"A good-faith effort"—it is a phrase we hear often, but it is absolutely crucial to American democracy. Our Constitution is constructed with the expectation that elected leaders would act in good faith. That is how our government operates. It should. Under the Republican obstruction, that has not been the case.

I ask my Republican colleagues, whose side do you want to be on? Whose voice are you listening to? These voices of moderation and reason coming from within your own party or the shrill voices—the shrill, shrill voices—of Trump and CRUZ? There isn't time to vacillate. Right now, before our eyes, the Republican leader is leading this conference straight to the side of Donald Trump and TED CRUZ.

It is not too late to change course. Reject the extremist approach being propagated by the likes of Donald Trump and TED CRUZ. It will only hurt our country. Put aside this unprecedented obstruction and work with President Obama to fill this crucial vacancy on the Supreme Court. Do your job. All we are saying is: Do your job. Do your job. Do your job.

Will the Chair announce the schedule for the rest of the day.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert McKinnon Califf, of South Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NOMINATION OF MICHAEL MISSAL

Mr. INHOFE. Mr. President, it is quite a discussion when we talk about confirmations, one of the responsibilities this body has that the other body does not have. In the case of a U.S. Supreme Court vacancy, however, during an election year, I think it has actually been some 80 years since they have actually filled a vacancy as opposed to waiting until after the next election.

I am concerned today, though, about another confirmation. VA IG nominee Michael Missal has been nominated, and I have a hold. To explain what that means, when you have a hold, that doesn't necessarily mean you don't approve of the nominee, but it does mean there is one reason or another you don't want to go ahead and confirm that person. That happened in the case of the nominee to be a VA inspector general, Michael Missal. Actually, I am not placing a hold on him because of deficiencies in him but deficiencies in the Office of the Inspector General. Today what I am announcing is that I am lifting that hold. That means they are free to go ahead and have this nominee go forward, and I think that is the right thing to do.

At the Muskogee VA facility alone, the IG office has conducted nine investigations since 2009, and there has been little or no change in the quality of care. Right now, my office is working hundreds of cases of Oklahoma veterans facing inadequate care or blocked access to benefits. I wrote the VA IG in January of 2016 simply requesting that the VA IG—inspector general—visit Oklahoma facilities and to do so with an outside entity such as a joint commission. There is an attitude sometimes with individuals not wanting outside help, a kind of assumption that "I don't need their help." Their response letter denied my request to conduct an investigation with a third party. It is time for our VA facilities in Oklahoma to be held to those same standards as private hospitals, and I believe it would take the aid of an outside group to make this happen because right now they are not meeting that quality.

Since placing a hold on Mr. Missal, the IG office has committed to investigating Oklahoma's VA facilities with the oversight of an outside entity, and I have also had commitment from Mi-

chael Missal that he will do that. I appreciate their commitment, but our work to improve the care for Oklahoma veterans doesn't end there.

Since the VA reform bill passed Congress this last summer—and it was a good bill—it is clear our facilities in Oklahoma have continued business as usual. I haven't seen any noticeable difference in the performance and treatment of our veterans since the passage and activation of that bill. I believe the impending investigations will show it is going to require a change in the management level to bring about lasting improvements for veterans care.

That is why I, along with my junior Senator from Oklahoma JAMES LANKFORD, introduced S. 2554, the Department of Veterans Affairs Accountability Act, on February 12. This legislation is critical to providing the best treatment for our country's veterans. Building upon the comprehensive plan of the 2014 VA reform bill, our legislation grants VA leadership at the regional level the authority to fire and demote staff working in these facilities. I think a lot of them thought the reform bill did that, but it didn't. We haven't been able to do it. It also allows directors of veterans regional chapters to contract with an outside entity to conduct investigations of their VA medical facilities. As I have worked to address the many concerns I have with Oklahoma's VA facilities, I have come to trust the leadership at the regional level. One individual who has come in is Ralph Gigliotti. He has done a great job. He doesn't have the authority to do what this bill would allow him to do. Not only were intermediate surgeries suspended due to what they have now uncovered, but also the chief of staff has been temporarily removed from his position.

However, this process revealed that regional directors are not presently empowered to address staffing concerns in the facilities they oversee. We have seen this in the State of Oklahoma numerous times. Our legislation peels away the layers of bureaucracy and allows the directors and each of the regional areas to play a larger role with improving the VA system as a whole.

As we all know, freedom isn't free. Many of our veterans have paid the prices with scars, some visible and some may go unseen such as post-traumatic stress disorder—PTSD—depression, and traumatic brain injuries. In my great State of Oklahoma, there are more than 37,000 military families and roughly 340,000 veterans that call our State home, attend our churches, and contribute to our communities. On behalf of Oklahoma, I say we are humbled by the immeasurable dedication of each and every one of them. I think it is the government's duty to honor the promises made to our veterans in return for their sacrifice. I urge our colleagues to remember that.

I can remember when I was in the Army, commitments were made to me

### RESERVATION OF LEADER TIME

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