

twice. I am not fit to carry his running shoes. When he isn't running, Phil is building or fixing something around the house, cheering on those San Francisco 49ers and the San Francisco Giants—I hope it is not when they are playing my Detroit Tigers—and spending time with his wife of 26 years, Cristy, and their three children, Sam, Elizabeth, and Andrew. We are grateful to them for sharing their husband and their dad.

Phil Nowak is just one example of the thousands of men and women at the Department of Homeland Security who work behind the scenes every day to support their colleagues and make our country safer for all of us. Phil and his team focus on individuals, they bring together components through a unity of effort, and they work tirelessly to improve employee morale. Management really does matter, and without Phil and his colleagues at the Management Directorate, the Department's mission to protect our homeland would suffer.

To Phil Nowak and to his team in the Office of the Chief Human Capital Officer, to every other hard-working employee at the Department of Homeland Security and at the Directorate for Management, I want to say a couple of words: Thank you. Let me say them again: Thank you.

This past week I was doing some traveling and going through some airports. We usually try to use the TSA precheck, which goes a little more smoothly because people have been prescreened. At one place we were flying out of, they advertised TSA precheck was open, but it wasn't, so we had to be regular, ordinary people. At each of those places, the folks at TSA—right there at the frontline trying to protect us as we fly around the country, around the world in these airplanes—they were doing their job. It is a hard job, and I would say probably a thankless job. Everyone wants to get through. They do not want to take their shoes off or their belts off or have to take their toiletries out. They want to get through there, get on the plane, and go someplace, but not get harmed and arrive safely.

When I fly, a lot of times I will tell the folks at TSA who I am and the committee I serve on just to let them know we appreciate the work they do for all of us. Every now and then—including over the weekend—a TSA officer will say to me: Nobody has ever thanked me before. How about that. Nobody has ever thanked me before.

So I say: Well, let me thank you again. And keep doing your job well, and hopefully you will get a lot of thanks.

But to all the folks at DHS who are taking on a hard job and doing it well, we thank you for what you do every day to protect our country, the land of the free and the home of the brave. And may God bless you.

#### FILLING THE SUPREME COURT VACANCY

Mr. CARPER. Madam President, this is a day-night double header. That was the day game, and what I want to do now is focus on the second half of the story as long as time will allow me to do that.

As the Presiding Officer knows, I come from the State of Delaware. Delaware is noted for a number of things, and one of the things we are noted for is that before any other State ratified the Constitution, we did it. For 1 whole week, Delaware was the entire United States of America. We opened it up and we let in Maryland and New Jersey and Pennsylvania, ultimately Iowa and other States, and I think it has turned out pretty well most days. But we were the first to ratify the Constitution.

My family and I live in northern Delaware, and just up the road from us is Philadelphia. That is where the Constitution was first debated, and folks from throughout the 13 Colonies came and argued for and against different provisions and how we should set up the structure of our government. One of the hardest provisions they argued on and debated was whether there should be a legislative branch at all, and if there should be, should it just be unicameral—just one entity, one body within that legislative branch—or should there be two. Should the number of votes and the power that States have be in accordance with the size of their State, how many people they have, or how would they balance things out.

Some of them worked out the Connecticut Compromise that said that every State will have two Senators—the same number—and they will be part of the U.S. Senate, and the House of Representatives would be comprised such that the more people who live in a State, the more Representatives they would have. That was the Connecticut Compromise. It was worked out. It was maybe not a perfect compromise in the eyes of some, but it enabled them to move forward, and most people think it is fair and reasonable.

Another really tough issue they wrestled with in those days was with respect to the third branch of government. We have the executive and the legislative and the judicial branch. The question was, What are the judges going to do, these Federal judges? How are they going to be appointed? Who is going to pick them? And if it is the Chief Executive Officer, should the President be able to name by himself or herself who the judges are going to be, the Federal judges and the Supreme Court Justices? Should it be left up to the Senate? Should it be left up to the House of Representatives? Should it be a joint effort by the House and the Senate? Should there be some role for the President, the Chief Executive, to play? How should it work out?

Time and again they voted on this issue at the Constitutional Convention in Philadelphia. Finally, after a num-

ber of votes that were just not successful—they couldn't come to a successful conclusion—they actually called out for clergy to come in and called on Divine intervention to get over this issue on how to pick, how to select Federal judges. I don't know if it was Divine intervention, but at the end of the day the deal said: The President shall nominate—not appoint, not name, but shall nominate—folks to serve as Federal judges, including the Supreme Court, and the Senate would have an opportunity to provide advice and consent to the President.

We have argued a lot over the years about what advice and consent should be, but it makes very clear that the President has a job to do with respect to the naming of judges. I believe we have a job to do as well.

About 300 yards from the tavern where the Constitution was first ratified on December 1787 in Delaware, with one hand on the Bible I raised my other hand and took an oath to defend the Constitution as Governor of Delaware. I had never thought very much about what kind of qualities I would look for in a judge.

With my Republican opponent in the Governor's race, a wonderful guy named B. Gary Scott, in 1992, we had 35 joint appearances together, debates. In all those forums, no one ever asked: What quality would you look for in the people you would nominate to be a supreme court justice for the State of Delaware or a member of the court of chancery, which is a court that has a national and international role to play?

The superior court also hears not just Delaware cases but national cases as well. In all those forums, nobody ever asked me: What would you consider? As it turned out, that was a very important part of my job. I am proud to say the Delaware judiciary is one of the highest regarded of any State judiciaries that we have. We have a very unusual system where there has to be an equal balance between Democrats and Republicans on the judiciary. It is not a spoils system. If there is one more Republican than a Democrat and there is a vacancy, you have to name a Democrat. That is the way the system works.

When I was Governor, we had a person who had been chancellor of the court of chancery, which is a high honor. He decided he was going to leave. So we had a vacancy to fill. I named a Republican. In that case, I actually had the flexibility to name a Democrat or Republican. I wanted to name the best person that I thought was interested in serving. The criteria I used in nominating people to serve on the judiciary in Delaware was that I wanted people who were really smart. I wanted to nominate folks who knew the law. I sought to nominate people who embraced the Golden Rule, who treat other people the way they want to be treated, so that folks who came before them in a courtroom received

fair and equal treatment. I wanted to nominate people who worked hard. I wanted to nominate people who had good judgment. I sought to nominate people who were able to make a decision. Sometimes people can have a lot of those qualities but have a hard time making a decision. I didn't want to do that. I wanted to have people who could do all those things.

My hope is that this President will look at Democrats, Republicans, and Independents and find among them the man or woman who meets all that criteria and more. That is the President's job.

I was up at the Detroit Auto Show. I know the Presiding Officer has a lot of assembly and supply operations in his State. Delaware used to, until fairly recently, build more cars and trucks per capita than any other State. So I care a lot about who is running GM and Chrysler. We lost both plants a few years ago when they went into bankruptcy. But I still go back to the Detroit Auto Show most years to keep in touch with the industry.

This last January, a month ago, I was in Detroit. It was the opening day of the Detroit Auto Show, with tens of thousands of people converging on the Detroit Auto Show, going this way and that way to see the different reviews and different vehicles, concept cars or new production vehicles that are going to be launched maybe later this year.

During the afternoon, I was looking for a restroom. I found one and so did hundreds of other people—in and out of this one restroom. I noticed an older gentleman who was a custodian standing with his cart, his mop and bucket, and his broom, outside of the mass of humanity. I walked in. In spite of all of those people, the place was remarkably clean.

I figured he was the janitor who had responsibility for this restroom. When I came out, I said to him: I just want to say, sir, that this is a really clean restroom. With all the different kinds of people you have coming in and out of here, I don't know how you do it. I just want to say thank you for doing your job really well.

He looked me in the eye and said: That is my job. He said: This is my job. And he said: I try to do my job well. He said: Everybody has a job, and everybody should try to do their job well.

I thought to myself: Wow, wow, what insight, what a message.

Under the Constitution, the President has a job. Apparently he is moving—not with haste, but I think with dispatch—to try to meet his responsibilities. I know we have had any number of times when Presidents have nominated Supreme Court Justices in a Presidential election year. I know a dozen or more times it has happened. I think every single time we had hearings for that nominee. There has been the opportunity to debate the nominee, question the nominee, meet with the nominee, debate here on the floor, and vote on the nomination up or down. I

don't know of any time when we have not done that, even when a nominee came to us during a Presidential election year.

I know we are in a crazy election season. It is still 8 months, 9 months before the election. But I hope that, at the end of the day, just like that janitor at the Detroit Auto Show intent on doing his job, the rest of us have the feeling that we have a job to do and that we should be in town doing our job. We have that need. We have that responsibility. I hope we will fulfill it. (Mr. COATS assumed the Chair.)

Mr. President, the other thing I want to say is "baseball." When the Presiding Officer and I were House Members together, we used to play baseball. We played in the congressional baseball game maybe 10 years ago—me on the Democratic side, him on the Republican side. For a year or two, I was almost selected as the most valuable Republican player—and I am a Democrat. So I wasn't always a great player, but I gave it my best.

I was in Florida for an event over the weekend, and last week in Florida and Arizona something wonderful happened. What happened was that spring training camps opened. Pitchers and catchers reported, and then the full teams started to report. When they start the spring training games in a day or two—maybe tomorrow—teams will take the field and they will take the field with nine players.

When Justice Roberts was going through his confirmation hearing before the Judiciary Committee, he was asked: What is the job of the Supreme Court? How would you describe it, in a simple way?

He said: Our job basically is to call balls and strikes.

When baseball teams take the field, they have nine players in nine positions. When the Supreme Court is in session, they have nine justices—or at least they did until the death of Justice Scalia. Just like you can't have a baseball team take the field without the shortstop or without the catcher or even without the second baseman or the center fielder and play well and do their job, at the end of the day, the Supreme Court is a team. They need nine—not players but nine justices—to be able to do their job well. Let's keep that in mind.

The last thing I would say is that the American people are frustrated with us and our inability to get things done. Sometimes I can understand why they would feel that way. We have a great opportunity to get something done. I hope the President will nominate a terrific candidate, and I hope our Republican friends will at least have the courtesy of meeting with that man or woman, give him or her a chance to present themselves and explain what they are about, have a hearing on that person, and then give them the honor of a vote. I think they deserve that.

Mr. President, I yield the floor for my friend from Vermont, the senior

Democrat on the Senate Judiciary Committee, Mr. LEAHY.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2015—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 524, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 369, S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided between the two managers or their designees.

The Senator from Vermont.

#### FILLING THE SUPREME COURT VACANCY

Mr. LEAHY. Mr. President, I appreciate the comments of the senior Senator from Delaware. We have plenty of time to get a nomination to the Supreme Court from the President and to confirm a Justice, just as this body has done 12 times in Presidential election years. I think probably the most recent, of course, was when Democrats controlled the Senate and we confirmed unanimously President Reagan's nomination in an election year, his final year in office. So it can easily be done. Besides, let us just do our job. We get paid to be here and to do our job. We ought to do it.

We also have the matter that each one of us has taken a very solemn oath before God to uphold the Constitution. The Constitution says the President shall nominate and the Senate shall advise and consent. We ought to do just what we all have solemnly sworn to do. I take my oath very seriously. I hope other Senators do too.

Now, Mr. President, today the full Senate is going to begin a discussion about one of the most challenging public health crises of our time—addiction to prescription painkillers and other opioids. In my home State of Vermont, there are few issues more pressing than opioid addiction. It is tearing apart families and communities—families and communities I have known all my life.

In March 2008, nearly 8 years ago, when I was chairman of the Judiciary Committee, I first held a hearing in Rutland, VT, about the challenges this epidemic presents in rural parts of our country. In subsequent field hearings, we learned about how communities like Rutland, VT—a beautiful community—were constructively seeking ways to get ahead of addiction. But we also learned—and I think we knew