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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, shower our Senators with Your marvelous grace this day and always. Make them sufficient for these grand and challenging times. Teach them to make the most of their time, for the night comes when no one can work.

Lord, refresh them with Your might so that they will face vicissitudes with an equanimity of temperament and an absolute trust in the power of Your providence. Keep a protective eye on them so that they may dwell in safety.

Today, shine the light of Your presence upon us all, filling us with Your joy.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

FILLING THE SUPREME COURT VACANCY AND COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. McCONNELL. Mr. President, the current Senate Democratic leader once stated that “nowhere in [the Constitution] does it say the Senate has a duty to give presidential nominees a vote.” The incoming Senate Democratic lead-

er, the one we will have next year, did not even wait until the final year of the last President’s term to declare that the Senate should “not confirm a Supreme Court nominee except in extraordinary circumstances.” And we all know what Vice President BIDEN said when he chaired the Judiciary Committee. Here is what he said: “It would be our pragmatic conclusion that once the political season is underway, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over.”

That is the essence of the Biden rule. Yesterday, the chairman of the Judiciary Committee and I personally reiterated to President Obama that we will observe the Biden rule.

The American people deserve to be heard on this matter. That is the fairest and most reasonable approach today. Voters have already begun to choose the next President, who in turn will nominate the next Supreme Court Justice. It is an important decision.

Justice Scalia himself reminded us that setting aside one’s personal views for a judge.” His aim was to follow the Constitution wherever it took him, even if he disagreed politically with the outcome. We saw that when he sided with the constitutional right of protestors to burn the American flag. “If you’re going to be a good and faithful judge,” he said, “you have to resign yourself to the fact that you’re not always going to like the conclusions you reach.”

I think Americans agree that judges should be fair, impartial arbiters who apply the law and the Constitution equally to all and as actually written, not as they wish it were. I think most Americans agree a judge should be committed to an evenhanded interpretation of the law and the Constitution so that everyone who walks into a courtroom knows he or she will have a fair shake.

But there is another view of the role of a judge. Under the view promoted by

the current President, the so-called “empathy standard,” judges prioritize their political ideology above the law. The problem with that approach to judging is that empathy is only good in the courtroom if you are lucky enough to be the person the judge actually has empathy for. It is not so good if you are the other guy.

This is something the American people should decide. President Obama still has every right to nominate someone on his way out the door. The Senate also has every right to withhold its consent. That is what the Biden rule reminds us of this election year. We will appropriately revisit the matter after Americans elect their new President.

Now, this is not the only issue we discussed down at the White House yesterday. We also had a constructive discussion about other legislative issues, such as the prescription opioid and heroin epidemic sweeping our country and the important bill we will continue to consider today to help address it.

The Comprehensive Addiction and Recovery Act, or CARA, is bipartisan legislation that targets this crisis at every level. The bill has a host of supporters, including 42 bipartisan cosponsors and more than 130 groups dedicated to combating the epidemic.

And while this is an important authorization bill, I would also note that Congress has already appropriated \$400 million to opioid-specific programs. All \$400 million of those funds still remain available to be spent today. That is right. These funds are still available, and we will have more opportunities to address funding through the appropriations process later this spring.

Michael Botticelli, the Obama administration’s Director of National Drug Control Policy, testified at a hearing just a few months ago and thanked Congress for including funding in the fiscal 2016 spending bill, saying: “We appreciate that Congress provided more than \$400 million in funding in

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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