NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 764, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Pending:

McConnell motion to concur in the House amendment to the bill with McConnell (for Roberts) amendment No. 3450 (to the House amendment to the bill), in the nature of a substitute.

McConnell motion to refer the bill to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. will be equally divided between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. STABENOW. Mr. President, I rise to express my disappointment that we have not yet been able to come to an agreement on the issue of GMO labeling. Senator ROBERTS and I have a long history of friendship and of working together. We have both worked very hard to come to an agreement on an extremely difficult and emotional issue. I thank him for his continual work, and I am forever the optimist that we will get there, even though we are not there yet. We have continued to work, and my team and I have continued to work, to find common ground, all the way until very late last night. If we at this point do not proceed but can have some more time, I believe it is possible for us to come together in a bipartisan solution.

While this debate has been difficult, there are some important areas where Senator ROBERTS and I agree. For instance, Senator ROBERTS and I agree that the science has shown us that biotechnology is safe.

In fact, leading health organizations like the American Medical Association, the National Academy of Sciences, the FDA, and the World Health Organization all say there is no evidence that GMOs aren't safe. We agree that biotechnology is an important tool for farmers and ranchers, particularly as we tackle the challenges of climate change—which, by the way, science also tells us is real. I believe in science, and I would love if we would all come together around the science on both of these issues.

We have to tackle the need to feed a growing, hungry world. We agree that a 50-State patchwork of labeling laws is not a workable long-term solution. In fact, I don't know any Member on any side of this issue in the Senate who doesn't agree with that, that we have to have a national approach, not 50 different States. But we also know, as we have frequently debated States' rights, the importance of States making decisions, that when we preempt States, whether it is on fuel efficiency standards for automobiles or whether it is on food labeling, the approach has always been to go from 50 different States doing 50 different things to having a national standard and a national approach. As it was with CAFE standards, in which I was very involved, it is important that it work from an industry standpoint. I know it can be done, and it is our job to get to that point.

We also recognize, though, that a growing number of American consumers want to know more about the food they eat, and they have the right to know. They have the right to know what is in their food.

I was very proud of the fact that we came together on the last farm bill to recognize all parts of agriculture. The fastest growing part of agriculture is the organic sector. We gave more opportunities to support the organic sector, the local food movement.

People should have choices in deciding what food they eat, how it is grown, how it is processed, and that is something we have said in national policy that we support through our agricultural policies. Unfortunately, the Senate is poised to vote on a bill that I do not support, that does not fully answer this demand from consumers. Consumers want information about the food they eat, it is as simple as that. In fact, the bill continues the status quo on providing information to consumers. It lists a number of things, many of which are already being done, 1–800 numbers and so on. Look at the back of the pack; it lists things, but they are things that are already being done—not all but many, enough—and then says: We will keep the status quo nationally, but we will preempt the States and citizens around the country from taking individual action. I don't support that. That is not good enough. It doesn't reflect what we do when we are talking about Federal policy. That is one reason I think the approach put forward in the bill is the wrong path.

Unfortunately, we have seen a lot of emotion around this issue on both sides—a lot of emotion. Frankly, there is a lot of confusion about GMOs and their safety, which is why I think this approach is the wrong approach. We should be telling the story, as should farmers, of biotechnology and the importance that it plays in our food production and in food security. We should not be taking action that further appears to stop consumers from getting the information they want and feeds into the idea that there is something wrong, that there is a reason to hide, because there is not. We should embrace this opportunity to share with the public what is in our food, talk about it, why we use these crops, why they are deemed safe.

That is why, during the last several months of negotiations with Chairman ROBERTS, I offered several proposals that would shed light on this issue and do it in a way that is eminently workable for those involved in the food industry. While those proposals were not ultimately accepted, I still believe we need and can achieve a policy that creates a uniform national system of disclosure for the use of GMO ingredients and do it in a way that has common sense and works for everybody. The national disclosure system needs to provide real options for disclosing information about GMOs that work for both consumers and food companies.

I believe we must create a system that provides certainty as well to our food companies and all of our companies—national, organic, traditional companies. Everyone knows that a 50-State system with 50 different definitions, 50 different laws, and 50 different ways to do packaging doesn't work, so we all have a need to come together and to fix this. I also believe that a system must work for all companies—very small companies, medium-sized companies, and large companies as well.

I believe we must not harm the important work being done by our organic producers. Again, we made great strides in the farm bill, and we need to keep the choices that are in the marketplace now available to consumers and not pass something that will infringe on any of the choices consumers have.

I am disappointed that we have not yet been able to come to a clear consensus on the issue of GMO labeling. I know this issue is contentious. As I said, it is very emotional on all sides. As far as I am concerned, it is time for us to come together on a thoughtful, commonsense approach that is best for consumers, for farmers, for families, and for our country.

We have the most successful agricultural system, food economy in the world. We are the envy of the world. We want to make sure that whatever we do, we maintain that position. But part of who we are in America is a country that believes in people's right to know information and be able to make their own individual choices. I believe there is a way to do that, to make sure we continue to have the strongest, most vibrant, most successful and robust agricultural economy and food economy in the world—we are literally feeding the world—and at the same time be able to provide basic information that American consumers are asking to have provided.

I will not be supporting Senator ROBERTS' amendment. I think this may be

the first time in the years we have worked together—both with me as chair and now with him as chair—that we have not come to the floor united. It is not for lack of trying. We have been working very hard, and there are differences, but I believe that if we have the opportunity to keep working, we will be able to get to that spot where we can come together.

As I urge colleagues to oppose this proposal and moving forward on cloture without having an agreement, I also commit to continue working to get there because we have to take action to solve this problem and it has to be done in a bipartisan way. That is how we get things done, and I am committed to continuing to work with our chairman and with Members on both sides of the aisle so we can do that.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise this morning to discuss an issue that is pretty near and dear to my heart and I think to the hearts of many throughout the State of Alaska, and that is—I will call it an aberration, an aberration in the fish world. What I am talking about is genetically engineered salmon, GE salmon.

We just heard from the ranking member on the Senate Committee on Agriculture. I appreciate the work she has done, along with the Senator from Kansas, to try to forge a path forward as it relates to GMO, but when we are talking about genetically engineered salmon, let me make it very clear that we are talking about two very distinct and different issues here. This is separate from the larger GMO debate.

Genetically engineered animals are not crops, and GE salmon is a genetically engineered animal. This is something that is entirely new. This is a new species. This is a new species that will potentially be introduced into our markets, into our homes, and quite possibly, contrary to what any environmental analysis claims, enters into our ecosystem.

When we are talking about the GMO, the broader GMO debate here on the floor, keep in mind that when I stand up, when the other Senator from Alaska stands up, when Alaskans stand up to talk about genetically engineered salmon, we are talking about an entirely different issue.

I get pretty wound up about this issue. I just came from a meeting of about 20 young Alaskans from around the State.

I said: I am sorry, I have to leave because I have to go to the floor to speak to this issue that is so important to us in Alaska. Do you all know what genetically engineered salmon is?

They said: Yeah. It is kind of that fake fish.

It is Frankenfish, is what we call it because it is so unnatural. It is so unnatural that it is something that, as Alaskans, we need to stand up and defend against.

I grew up in the State of Alaska. I was born there. I know well that escaping from pens occurs in hatcheries, and it can occur in facilities where fish are grown. I also well know the immense value of our fisheries and the potential for havoc that something like this Frankenfish could wreak upon our wild sustainable stocks.

I am standing here this morning saying that I will not be supporting cloture on this bill, as it is an issue which is too important to so many and has not yet been adequately addressed. I have attempted to work with the chairman and the committee to offer sensible and what we believe are reasonable fixes, but there is no solution as of yet.

I am standing today demanding, asking that the voices of Alaskans, who have stood with me in solidarity on this issue, be heard because we will not accept that genetically engineered salmon or Frankenfish—whatever it is you want to call it—we will not accept that it will be allowed to be sold without clear labeling because I don't want to make any mistakes; I don't want to find that what I have served my family is a genetically engineered fish, and I use ''fish'' lightly.

We talk about Frankenfish and some people kind of snicker nervously, but it is not a joke to Alaskans. This new species could pose a serious threat to the livelihoods of Alaskan fishermen, and I will stand to support the livelihood of Alaskan fishermen. Alaska's fisheries are world-renowned for their high quality and for their sustainability. The Alaska seafood industry supports more than 63,000 direct jobs and contributes over $4.6 billion to the State's economy. Nearly one in seven Alaskans is employed in the commercial seafood industry.

That is how my boys put themselves through college—working in the commercial fishing industry. We know about fish. For generations, my family has been involved in one way, shape, or form with the fishing business.

Salmon is a major part of Alaska's seafood economy, and commercial fishermen around the State harvested more than 265 million salmon this past season, including chinook, sockeye, coho, chum, pinks—all wild.

As we all know, wild salmon is loaded with all of the good things in it that God has placed there: tremendous health benefits, lean protein, source of omega-3s, B–6, B–12, Niacin—everything good, all in that natural wild package.

More than 1.5 million people wrote to the FDA opposing approval of genetically engineered salmon. So you have a groundswell of support around the country—this is not just from Alaskans weighing in. People are saying: No, we don't think this should be approved.

The FDA went ahead anyway. Then you have a growing number of grocery stores—Safeway, Kroger, Whole Foods, Trader Joe's, and Target—that have all announced they are not going to sell this. They are not going to sell this genetically engineered species in their stores.

Yet, despite this immense opposition, in November of last year, the FDA approved AquaBounty Technologies' application for its genetically engineered AquAdvantage salmon. So for those of you who are not fully informed on what this genetically engineered fish is—how it comes about—GE salmon start from a transgenic Atlantic salmon egg. This is an ocean pout. It is a type of an eel. As you can see, it doesn't look anything like a salmon, even if you don't know your salmon very well. This is a bottom-dwelling ocean pout eel.

They take a slice of DNA from this, a slice of DNA from a magnificent Chinook salmon, and splice it into an Atlantic salmon egg. That egg is meant to produce a fish that will grow to full size twice as fast as a normal Atlantic salmon. So this is the push here—to push Mother Nature, which creates a perfectly beautiful fabulous salmon, and to take a slice of DNA here and a slice of DNA there and put it in an Atlantic salmon, which is a farmed fish, and grow it so that it grows twice as fast as a normal fish, but growing it in penned condition, theoretically, so that there is no way for escape. But are we guaranteed that there is no way for escape? I don't know. Show me that.

But what we have here, I think, is a fair question as to whether or not this GE salmon can even be called a salmon. So the FDA signed off on this last November. But they made no mandatory labeling requirement. Instead, they said: Labels can be voluntary. So, in other words, if you want to say that this piece of fish that is in front of you in the grocery store is genetically engineered—or not real—you can voluntarily put that on your label. Nobody is going to do that. Nobody is going to voluntarily say this is genetically engineered.

So what we have done—what I have done—is to fight to secure a mandatory labeling requirement both before approval of AquaBounty's application and since its approval. So we have been working hard on this issue. We have made some significant headway. But what we are dealing with on the floor right now—this legislation—would wipe that work clean, instead of using legislative tools at our disposal to effectively and precisely amend this legislation in order to address the issue of GE salmon.

So what we did is that we got some language in the Omnibus appropriations bill that requires the FDA not to allow the introduction of any food that contains GE salmon until it publishes final labeling guidelines that inform consumers of that content. So what this did is that this kind of forced the FDA to issue an import alert, which effectively bans all imports of genetically engineered salmon for 1 year.

But it also directs the FDA to spend funds—significant funds—of no less than $150,000 to develop labeling guidelines and to implement a program to

disclose to consumers whether salmon offered for sale to consumers is genetically engineered.

Again, what we want to be able to do is to let consumers know whether this fish is genetically engineered or not. So we thought that was a pretty clear labeling mandate to the FDA. But the FDA then later came back to us and said they felt that there was still clarifying legislation that we needed to do. So I have worked with Senator SULLIVAN, my colleague from Alaska, as well as Senators CANTWELL, MERKLEY, and HEINRICH, and we introduced S. 738, which is the Genetically Engineered Salmon Risk Reduction Act.

We also introduced a separate piece of legislation to respond to the FDA's November approval. We introduced S. 2640, the Genetically Engineered Salmon Labeling Act. What that bill would do is kind of to build on last year's omnibus provisions and would require labeling of genetically engineered salmon through language that I received through technical assistance working with the FDA on this.

Additionally, we would mandate a third-party scientific review of the FDA's environmental assessment of AquAdvantage salmon and the effects that these GE salmon would have on wild stocks and ecosystems, which, in my opinion—and I think, in the opinion of many others—were insufficiently addressed during the FDA's environmental assessment.

So we have been working with the FDA on this, to develop this language to mandate labeling. The FDA has been cooperative at this point working on this issue. That really is a significant step forward.

But it required me to do something that maybe others are perhaps a little more active on—to place a hold on a nominee. I placed a hold on the FDA Commissioner, Dr. Robert Califf. This is not something that I do lightly. I have not placed a hold on a nominee before. I don't take this action lightly. But it was necessary. It was necessary to bring to the attention of the FDA the significance of this issue and the seriousness of what we were dealing with.

So we got FDA to the table. We have been working with them. They have been listening. They have been helpful. We are so close to resolving this. Now we are on the floor with GMO legislation. Again, as I said at the outset, GMO is different than what we are dealing with in this genetically engineered species, a new species designed for human consumption here.

My concern is that with the GMO bill before us now, it really does threaten the good progress we have made at this point in time. It is not just the progress that the Alaska delegation made but really the work of so many Alaskans, the bipartisan hard-working efforts of so many around the country who share the same concerns.

I think we have offered some pretty sensible solutions. I will continue to offer them. I will continue my efforts to work with the chairman, for whom I have great respect. Know that, while it is not opposition to the overall bill or its underpinnings, where my concern remains is mistakenly allowing genetically engineered salmon into our homes, mislabeled as salmon.

This is something that we will continue to raise awareness on and raise the issue until we have finally and fully resolved it.

IDITAROD SLED DOG RACE

Mr. President, if I still have a few minutes more this morning, I would like to switch topics and speak about the last great race—the last great race in Alaska and really around the world, which is the Iditarod sled dog race, a 1,049-mile race from south central Alaska to Nome, AK, where man-and-dog teams are up against Mother Nature, improbably one of the most incredible human and animal endeavors that are out there.

Yesterday, we saw the conclusion. We greeted the front runner to the 44th Iditarod sled dog race. So for 44 years now, it is an amazing race from Willow to Nome. Again, when you think about man and dog out on the ice, out in the raw wilderness for 1,000 miles, this race has been described as the equivalent of an attempt at Mount Everest.

When you think about all that is Alaska and the open spaces, the independent people, and just man against nature or woman against nature, it is really the Iditarod that epitomizes so much of it. It demands not only the most out of our athletes but mental conditioning as well. It requires exceptional endurance, courage, and sound judgment as you navigate these amazing places. But it is not just the men or women who are the physical athletes. It is not just their judgment that guides this race. It is that of the teams—the dogs themselves.

When you think about the amazing teamwork that goes on between a musher and his or her animals—the communication and the will to go 1,000-plus miles in extraordinary conditions—it really is something that just stirs the greatest imagination. We have had Iditarods where teams have literally buried into the wind coming at them at 50 miles an hour and 30 below, in the dark, attacked by moose on the trail, losing the trail, with accidents, disasters.

I was going to say it is like a reality TV show. Only it is not a reality TV show. It is what Alaskans and many around the world engage in. The mushers themselves are remarkable. I could stand here on the floor and talk all morning about them, but I won't.

I will highlight just a few of them. DeeDee Jonrowe, is a longtime friend of mine. She ran her 34th Iditarod this year—talk about bravery and perseverance. This is a woman who the year before last lost her father. This summer she and her husband lost everything they owned in a wildfire out in Willow, AK. The only thing that was saved were her dogs.

But she lost her sleds, her harnesses, her home, her everything. Then, just shortly after, she lost her mother. Her comment to me was this: I am going to go back on the trail so that I can just focus. That is one tough woman.

Brent Sass is a guy who captured the lead for much of the race. He is one of these guys who came to Alaska to be a homesteader, a wilderness guy. He was champion of the Yukon Quest. He rescued mushers along the way—an amazing guy. He was actually in front position last year and was disqualified because he had an iPod and was listening to music.

Along the trail, there are no electronic devices. There are pretty tough rules in the Iditarod. Can you imagine being out on a 1,000-mile trail with nobody else, and no device, no electronics for you?

Jeff King is an amazing guy, whose grit and determination has been at the forefront of this race and so many others—a multiple winner. But he was involved with a horribly tragic accident when a snow machiner, a drunk individual, literally attacked his team, killed one of his dogs and injured a couple of others.

It was extraordinarily difficult to handle that challenge—the emotion of losing a dog but also just the real tragedy and calamity of an accident like that. Jeff has finished the race in the top 10, which is remarkable.

Another remarkable feat, though, is Aly Zirkle, who finished third, and was also subject to an extreme scare by this same snow machiner—a horribly tragic side to this year's Iditarod. But there was the fact that Aly, one tough lady, came in third and persevered all the way, just getting her head into the game.

There are so many stories about these amazing men and women, but the winner of this year's Iditarod is a young man named Dallas Seavey, 29 years old. He crossed the finish line into Nome at 9:30 p.m. last night. Dallas finished in 8 days 11 hours 20 minutes 16 seconds. This is his fourth overall win, and his third consecutive win. He is only one victory away from matching the ''king'' of the Iditarod, five-time champion Rick Swenson.

Guess who was No. 2 in the Iditarod, trailing Dallas by about 45 minutes. It was his dad. Father and son finished No. 1 and No. 2 in the Iditarod. What other sport can you think of where you have a father and son competing against one another and coming in first and second? You have to go back a ways to come up with an answer to that. It was absolutely an amazing story and Alaskans watched it play out.

I had an opportunity to visit with the father of Mitch Seavey and the grandfather of Dallas Seavey. I asked: Dan, who do you predict is going to win the Iditarod this year? His response was: I don't care as long as it is a Seavey. He was right and certainly got his wish. Alaskans are proud of the men and

women who take on these extraordinary challenges, capture the attention and the fascination of the world with their feats of physical and mental endurance. The men and women of the 44th Iditarod race are to be commended and congratulated.

With that, I yield the floor.

Mrs. FEINSTEIN. Mr. President, today I wish to express my opposition to the legislation introduced by Senator ROBERTS to preempt State labeling laws for genetically modified organisms, also known as GMOs.

The Mellman Group released a poll last year that found that 89 percent of Americans support mandatory labeling of GMOs. The calls and letters I receive from California constituents confirm widespread support for this policy. Since 2015, I have received more than 90,000 letters and emails from constituents who want a mandatory labeling standard. Since the beginning of this year, my office has received nearly 2,000 calls in favor of mandatory labeling.

Clearly, the public wants their food to be labeled in a consistent and transparent manner. However, Senator ROBERTS' proposal would preempt voter-passed mandatory GMO labeling laws in Connecticut, Maine, and Vermont. Overriding these State laws would be a step backward for consumer knowledge.

I recognize that the food industry cannot comply with 50 different State labeling laws. That is why I have cosponsored legislation introduced by Senator JEFF MERKLEY to create a consistent, transparent Federal standard on how to label foods that contain GMO ingredients. This legislation would require food producers to add a statement or symbol after the ingredient list to state that the product contains GMO ingredients. Companies would be given four options to meet the requirement.

In contrast, Senator ROBERTS' bill makes it more difficult for consumers to find out what is in their food. It requires the Department of Agriculture to create new, voluntary labeling guidance, despite the fact that the Food and Drug Administration already created voluntary guidance.

Furthermore, Senator ROBERTS' bill allows a confusing array of options for disclosure beyond labeling. This includes 1–800 numbers, Web sites, smartphone applications, and social media posts.

In my view, the only fair and consistent way to label food is on the package in a clear, straightforward, and consistent manner. Consumers do not have time to scan barcodes on food packages or to call 1–800 numbers. Consumers want the information they need to make the best choices for them and their families readily available on packaging. And I believe they deserve to have that information.

I want to make it clear that I recognize that the Federal Government and scientists agree that GMO products are safe. I also realize that California farmers may need to rely on genetic engineering to address challenges such as climate change and disease. But I do not understand why industry is so opposed to informing consumers of how their food was produced. The industry says it should only be required to label foods when there is a human health reason to do so.

However, the Federal Government has always had labeling requirements for food that aren't due to a human health reason. These requirements exist because they allow consumers to make informed choices in the marketplace. For example, the Federal Government requires juice that was made from concentrate to be labeled ''made from concentrate.'' The Federal Government requires foods processed with irradiation to be labeled as such. The Federal Government has a specific labeling requirement for what constitutes ground beef based on what parts of a cow is used, the fat content, and how it is processed.

During this election season, many Americans have expressed a view that Washington is out of touch with the rest of the country. So I want to ask, does Washington really want to overrule consumers who want GMO labeling? Does Congress know better than the majority of American consumers?

In my view, we should trust consumers and make sure they have the information they want on the food they buy. As such, I urge my colleagues to oppose Senator ROBERTS' preemption legislation. Instead, I ask my colleagues to engage in a meaningful discussion for how we can create a mandatory standard that is flexible for industry but gives consumers the information they want.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I wish to start off my remarks with regard to the bill that is before us. There is an article from The Hill newspaper, and it is quoting Julie Borlaug, who is the granddaughter of Norman Borlaug, a University of Minnesota graduate who helped to spark the green revolution in agriculture technology that is credited with saving more than 1 billion people from dying of hunger.

Mr. President, I ask unanimous consent that the article from The Hill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Mar. 16, 2016]

SAFE, PROVEN BIOTECHNOLOGY DESERVES NON-STIGMATIZING NATIONAL LABELING STANDARD

(By Julie Borlaug)

Global hunger is one of the most pressing challenges of the 21st century and the problem will only get worse if the U.S. Senate fails to take action and prevent a costly state-by-state patchwork of labeling mandates for food containing genetically modified organisms (GMOs).

In a Senate Agriculture Committee markup last week, Sen. Amy Klobuchar (D-Minn.) correctly noted that ''science is an essential piece of the puzzle in addressing food insecurity.'' The senator also praised the legacy of my grandfather, Dr. Norman Borlaug, a University of Minnesota graduate who helped spark the green revolution in agricultural technology that is credited with saving more than 1 billion people from dying of hunger.

I am glad to see my grandfather's work praised. And, as an associate director for the Borlaug Institute for International Agriculture, I want to see his work, and the work of his fellow agricultural scientists, protected. That means ensuring that innovations in agricultural biotechnology aren't sent to the dustbin of history, leaving future generations asking why good solutions were abandoned.

It really comes down to a simple label. In July, Vermont is set to become the first state to begin enforcing a GMO labeling mandate. The impacts will be felt on store shelves and in science labs around this country. Make no mistake—these state labeling efforts are not about a so-called 'right to know' but are about enabling activists to drive GMOs out of the marketplace. Leaders in the labeling movement acknowledge this, with one saying ''If we have it labeled, then we can organize people not to buy it.''

These dangerous efforts undermine the critical importance of biotechnology and the role it plays in feeding the world. With the help of modern science and GMOs, farmers now have the ability to produce crops that better withstand droughts and require fewer pesticides. They can adapt genetic codes to acclimate to new environments, and ensure that crops grow well despite inhospitable climates.

You cannot be anti-hunger and be anti-GMO. GMOs not only make farming more sustainable, they directly impact national and global food security at a time when warming temperatures and rising populations mean that those living in poverty will face increasingly unstable supplies of food.

The safety of GMOs is as clear as their benefits. Every major scientific organization that has examined this issue has concluded that they are safe as any other food. Those denying their safety are denying the science.

By allowing state-mandated on package labeling of GMO foods, Congress would be turning its back on decades of advancements in biotechnology and allowing a small group of activists to deny millions of people the tools that will prevent starvation and death. We cannot allow that to happen.

Senate Agriculture Committee Chairman Pat Roberts (R–Kan.) has put forward a bipartisan proposal that would establish national standards for food made with genetically-engineered ingredients. The Biotech Labeling Solutions Act would prevent a costly state-by-state patchwork of labeling mandates. It would also help ensure that providing greater information could go hand-in-hand with providing greater education at a national level about the safety and importance of GMO crops. The Senate Agriculture Committee supported moving his bill to the full Senate by a 14–6 bipartisan vote.

Now, we need senators of both parties to come together to support this common-sense approach.

Sixteen years ago, my grandfather wrote that the world would soon have the agricultural technologies available to feed the 8.3 billion people anticipated in the next quarter of a century. The more pertinent question is whether farmers and ranchers will be permitted to use these technologies.

The members of the Senate will decide that very question in their votes on the Biotech Labeling Solutions Act. For the sake of science and the world, the answer needs to be yes.

Mr. ROBERTS. Quoting from the article, Ms. Borlaug said:

I am glad to see my grandfather's work praised. . . . Senate Agriculture Committee Chairman Pat Roberts . . . has put forward a bipartisan proposal that would establish national standards for food made with genetically-engineered ingredients. The Biotech Labeling Solutions Act would prevent a costly state-by-state patchwork of labeling mandates. It would also help ensure that providing greater information could go hand-in-hand with providing greater education at a national level about the safety and importance of GMO crops. . . . Sixteen years ago, my grandfather wrote that the world would soon have the agriculture technologies available to feed the 8.3 billion people anticipated in the next quarter of a century. The more pertinent question is whether farmers and ranchers will be permitted to use these technologies.

I rise again to discuss my amendment numbered 3450 on biotechnology labeling solutions. There has been a lot of discussion about this amendment and this topic in general. That is a good thing. We should be talking about our food, we should be talking about our farmers and producers, and we should be talking about our consumers as well. It is important—extremely important—to have an honest discussion and an open exchange with dialogue. After all, that is what we do in the Senate or at least that is what we are supposed to do. We are here to discuss difficult issues, craft compromised solutions, and finally vote in the best interest of our constituents. That is what we are doing here today: exercising our responsibility to cast a vote for what is in the best interest of those who sent us here.

Let's start with discussing difficult issues. The basic issue at hand is agriculture biotechnology labeling. If you have heard any of my previous remarks, you have heard me say time and time and time again that biotechnology products are safe, but you don't have to take my word for it. The Agriculture Committee held a hearing late last year where all three agencies in charge of reviewing biotechnology testified before our members. Over and over again the EPA, the FDA, and the USDA told us that these products are safe—safe for the environment, safe for other plants, and safe for our food supply. This is the gold standard on what is safe with regard to agriculture biotechnology. Not only are these products safe, but they also provide benefits to the entire value chain from producer to consumer. Through biotechnology, our farmers are able to grow more on less land using less water, less fuel, and less fertilizer, but the difficult issue we are debating today is about more than recognizing the fact that biotechnology is safe. No, today our decision is about whether to prevent a wrecking ball from hitting our entire food supply chain. The difficult issue for us to address is what to do about the patchwork of biotechnology labeling laws that will soon wreak havoc on the flow of interstate commerce, agriculture, and food products in every supermarket and every grocery store up and down Main Street of every community in America. That is what this is about. It is not about safety, it is not about health, and it is not about nutrition. It is all about marketing.

What we face today is a handful of States that have chosen to enact labeling requirements on information that has nothing to do with health, safety, or nutrition. Unfortunately, the impact of these decisions will be felt all across the country. Those decisions impact the farmers in the fields who would be pressured to grow less efficient crops so manufacturers could avoid these demonizing labels. Those labeling laws will impact distributors who have to spend more money to sort different labels for different States. Those labeling laws will ultimately impact consumers who will suffer from higher priced food. It will cost $1,050 per year for an average family of four. That is right. If we do nothing, it is not manufacturers that will pay the ultimate price, it is the consumer.

A study released this year found that changes in the production or labeling of most of the Nation's food supply for a single State would impact citizens in each of our home States. The total annual increased cost of doing nothing today, such as not voting for cloture, could be as much as $82 billion every year. That is a pretty costly cloture vote. That is 1,050 bucks tacked onto each family's grocery bill, and that is a direct hit to their pocketbooks. Let me repeat that. If we fail to act today—if we do not have cloture and get to this compromise bill—the cost to consumers would total as much as $82 billion a year or 1,050 bucks for hard-working American families. I don't think that is what my colleagues want. I don't think they want to be responsible for that: a cloture vote with an $82 billion price tag? Come on.

This is the difficult issue we must address and the question is, How do we fix it? That is why we have crafted a compromise solution and put it on the floor for debate and action. The amendment before us today stops this wrecking ball before any more damage can be done.

Two weeks ago, the Agriculture Committee passed a bill with a bipartisan vote of 14 to 6. I am very proud of that legislation. It stopped the State-by-State patchwork and provided a national voluntary standard for biotechnology food products. For the first time, the Federal Government would set a science-based standard allowing consumers to demand the marketplace provide more information. Consumers are growing more and more interested in their food, and that is a good thing. We, as consumers, should learn more about where our food comes from and what it takes to keep our food supply the safest, the most abundant, and the most affordable in the world. However, the role of government in this space is to ensure that information regarding safety, health, and nutritional value are expressed directly to consumers, but the information in question today has nothing to do with safety or health or nutrition, so the responsibility and opportunity to inform the consumers falls on the marketplace. If consumers want more information, they demand it by voting with their pocketbooks in the aisles of the grocery store.

As our bipartisan bill has come to the floor, I have heard concerns that this voluntary standard is not enough for our consumers. Yet again we worked with our colleagues on both sides of the aisle. The legislation before us goes further than the committee-passed bill. This legislation addresses concerns with a voluntary-only approach by providing an incentive for the marketplace to provide consumers with more information.

To my friends on this side of the aisle, this legislation allows the market to work. To my friends on that side of the aisle, if the marketplace does not live up to their commitments, if information is not made available to consumers, then this legislation holds the markets accountable by instituting a mandatory standard. It is not just any mandatory standard, it is a standard that provides the same options and mechanisms for compliance as outlined and stated publicly by our Secretary of Agriculture, Tom Vilsack.

Simply put, the legislation before us provides us an immediate and comprehensive solution to the unworkable State-by-State patchwork labeling laws. As chairman of the sometimes powerful Senate Agriculture Committee, I believe this is a true compromise. Like any bill, it is not perfect, and I know that, but to those who criticize this legislation in one breath and say they want a compromise in the next breath, I ask: Where is your plan? Where is your solution? We have heard the distinguished Senator from Oregon many times on this floor—not a stranger to this floor—criticizing this compromise. I appreciate, and I am sure we all appreciate, his passion. I disagree with his views, but I appreciate that he did put his plan into a bill and put it out for public debate. What I don't understand is why he doesn't want to vote on it. Why would you put a bill out there and decide not to vote on it? Why would you not vote for cloture so you can get to a vote on your bill? We could have voted on his legislation today. Yet when he was presented with the option to take a vote, he declined. I have read the press release where he described the compromise as maintaining the status quo.

If the truth be known, this compromise achieves just the opposite. In fact, voting no today is the only way that maintains the status quo. Voting no today does nothing to stop the wrecking ball. Voting no today ensures that the instability in the marketplace continues. Voting no today puts farmers and all of agriculture at risk. Voting no today negatively impacts the

daily lives of everybody in the food chain from the farmer who will be forced to plant fence row to fence row of a crop that is less efficient to the grain elevator that will have to adjust storage options to separate the types of grain, to the manufacturer that will need different labels for different States, to the distributor that will need expanded storage for sorting, and to the retailer who may be unable to afford offering low-cost, private-label products, and, finally, to the consumer who will be forced to pay for all this additional cost to the tune of $82 billion.

Now we come to our final task as elected officials of this body taking a vote. But before we do, we should all know that never before—never before in my experience as chairman of the House Agriculture Committee and chairman of the Senate Agriculture Committee and all the years I have had the privilege to serve on both committees—we have never seen a bill in the Agricultural Committee with so much support, never. Over 800 organizations all across the food and agriculture perspective have a stake in this bill. It is at the national and State and local levels. They all support the bill. The bill has the support of the National Association of State Departments of Agriculture, the American Farm Bureau, and many, many more.

Virtually every farm group is in town. I just talked to the American Soybean Association this past week. One farmer said: Hey, if I cannot have agriculture biological crops with regard to increasing the yield that I plant, what am I going to do? Am I going to plant fence row to fence row? Am I going to lose in this situation when farming income is declining and farm credit is getting tighter?

The fundamental role of the Agriculture Committee is to protect American farmers and ranchers who provide a safe, abundant, and affordable food supply to a very troubled and hungry world. So I will be voting yes to do just that, and I encourage my colleagues to do the same. Voting no today means telling your constituents next week that you are raising their grocery bill by over $1,000. Good luck with that.

It is a pretty simple vote. You are either for agriculture or you are not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, later this morning we continue to work on whether to consider a food labeling bill here in the Senate. As a dad, I know this bill is about much more than just words or symbols or a label. It is about the confidence we have in the food we eat and the food we feed our children. As a Hoosier, I also know this bill is about preserving confidence in a long and proud Indiana tradition of growing the food that feeds our communities and provides a safe and reliable food supply for the world. Whether you are a parent or a farmer, a Republican or a Democrat, our objectives in this debate should be the same: to provide consumers with access to accurate information about the food we eat and to do so in a way that does not mislead consumers into falsely thinking their food is unsafe.

I believe strongly that consumers, our families, our kids, moms and dads, brothers and sisters deserve to feel confident in the food we feed our families. I want to know how much sugar is in my ice cream and how many calories are in that roast beef sandwich that I love so much. It is clear from this debate that many Americans want to know even more about where and how our food is produced. I believe we should have that information, and it should be easy to find.

It is also common sense. This information should be delivered in a way that is fair, that is objective, and that is based in sound science. I have heard from many Hoosier farmers who are very concerned that some labels or symbols on packages would amount, in consumers' minds, to warning labels and could send a misleading message that the safe and healthy products our farmers grow—think of sweet corn in our fields—are somehow unhealthy or even dangerous.

This morning, my good friend, Senator TOM CARPER from Delaware, and I filed an amendment that builds off the framework of the proposal before us today. A framework I first suggested in the Agriculture Committee markup of this very bill. It creates a national voluntary bioengineered food labeling standard. It stipulates that if food companies fail to make sufficient information available, then a national food labeling standard for bioengineering becomes mandatory.

Our amendment works for farmers, it works for manufacturers, and it works for our families. It establishes ambitious goals for the availability of information related to bioengineering by requiring that after 3 years, 80 percent of the food products covered by the legislation would provide direct access to information. If the food industry does not meet this threshold, then the labeling requirement becomes mandatory.

Our amendment also requires clear and direct access to information on bioengineering. This could include explicit disclosures, such as organic or GMO-free, or voluntarily disclosing bioengineering on the box. Or companies choosing to participate in the voluntary program could use various electronic methods of disclosure, such as a Web site or a QR code in conjunction with a phone number that clearly indicates to consumers—to our families—where they can find more information and provides direct access to that information. This is important because our shared goal is to provide direct access to information about the contents of our food to everyone, whether you have access to the Internet or a smartphone or a regular phone. So let me repeat: Our amendment allows for electronic disclosure to be used only in conjunction with a phone number, and both methods would have to provide direct access to information on the product's contents.

Finally, our amendment preserves State consumer protection laws and remedies. States write laws to protect our citizens from mislabeled products and to provide for remedies in case of false or misleading statements. Our amendment preserves those laws.

Consumers, our families, farmers, and food producers are looking to the Senate for leadership. After months of discussion, we have been unable to agree yet on a proposal that gives consumers the information they want in a responsible way, but the issue remains. This will be another week of uncertainty for producers, for manufacturers, for our families who do not have the information they want, and for the producers and manufacturers I mentioned who don't know what is expected.

I am going to continue to work on this issue with Senator ROBERTS and Senator STABENOW. I strongly encourage all my colleagues to consider the ideas that Senator CARPER and I have put forward and to try to work with us to find a solution that works for America.

Thank you, Mr. President.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Thank you very much, Mr. President.

I am rising to speak to this issue from a simple American citizen point of view. The American citizen wants the right to know what is in their food. They want to know how many calories; they want to know what the minerals and the vitamins are and what the ingredients are. It is a simple standard because it is important to an individual to know what you are putting in your mouth, what you are putting on the table for your families and your children.

This is a principle that we have honored time and again on our packages. We proceeded to put on our packages whether fish is farm raised or wild caught because citizens wanted to know. It makes a difference to them. It is their choice. It is their judgment. We put on our packages whether juice is from concentrate or is fresh because citizens wanted to know. It is important to them. It is their right to know.

We put the list of ingredients on the package in a simple format, not so that someone can spend an hour trying to research what is in it. No, we have a simple 1-second test. You pick up the food off the counter, you turn it over, you look at the list of ingredients and you say, this has the vitamin C I wanted; this has the calories I wanted—the 1-second test.

That is what is at stake because the bill that is before us right now kills the 1-second test. It kills immediate access to information for consumers. It says

we are going to eviscerate States' rights to respond to this desire of citizens to know what is in their food. This is a desire that stretches all across the United States, all genders, all ages, all parties. In fact, 9 out of 10 Americans say they want this simple information on the package to meet this 1-second test just like calories.

Now here we are in this deeply divided Nation, this Nation in which we see in this Presidential campaign extremes to the left and the right and everything in between, and we wonder what is happening. Isn't there anything we can agree on?

Well, the fascinating thing is that here is something we can agree on: 80-plus percent in every category—Republicans, Democrats, Independents—almost all of them near the 9-out-of-10 factor, women over 80 percent, men over 80 percent, young over 80 percent, old over 80 percent. In other words, all of those are between 80 and 90 percent no matter who you are, where you are, what your gender is, or how old you are. Nine out of ten Americans want to know what is in their food, and they want it easily accessible on the package.

My colleague talked about direct access to information. In this case, ''direct access'' is somewhat of a term subject to interpretation because to the consumer, direct access is the 1-second test. I pick up the package, I flip it over, 390 calories, thank you very much. Done. But the term today is being used for indirect access.

Let's look at these different hall-of-mirrors proposals that are being put forward. OK. Sham No. 1 is the 800 number, an 800 number on the package. What is the purpose of that 800 number? The package doesn't say. There are 800 numbers on all kinds of packages. You call up the company and complain because there is contamination in your frozen peas. What is the purpose of it? Is it so you can call the company and ask about new products coming out? Without any information around it, it is just a number. And citizens don't just go to a product and call a number. Why? Because they are busy. They are going down the grocery store aisle. They have a supermarket cart. They have a child in there. They want the 1-second test. They don't want to be told they have to call a call center and get in a phone tree and press a bunch of buttons, and then a message comes on and says: I am sorry, due to high call volume, we will get to you in maybe 20 minutes, but stay on the line and we will play sweet music for you. And maybe—if you stay on the line long enough—maybe it is not 20 minutes; maybe it is an hour. You get someone in a call center overseas who is saying things in an accent you can't understand. Citizens hate that. And they hate pretend, false solutions. This does not mean direct access to information. This is direct: It is in my hand, 1 second. I see it. That is direct.

Now there is another idea. It is called a QR code, or quick response code—quick response, computer code. Why is this on the package? No explanation. So is putting something with no explanation on a package helpful to consumers? No. Is it there so you can scan it when you check out to see what the price is? Is it there to find out about new products that are coming out from this company? Is it there because you might possibly find out information about discounts? You have no idea. There is no explanation. And when you use that code, you give up personal information. So you have to have a phone. You have to have a smartphone. You have to have a data plan. You have to give up your privacy. And there is no explanation why you would even bother to go to it. That is completely misleading. That is why I call it the hall of mirrors. It is like you are at a circus. We have an 800 number, we have a QR code, no real information, no direct access to information.

Let's be honest with the American public. Nine out of ten Americans want this information presented in a simple format. A nationwide poll that was done in November did a followup question: Would you prefer for it to be simply stated on the package or have a QR code? Again, 9 out of 10 said they wanted a direct statement on the package.

Look how much room this takes up. Isn't it a lot simpler just to put a little symbol on there? That is all people want. They are not asking for anything that takes up room or costs anything, just like it doesn't cost anything to put another ingredient on your package if you add it to your ingredient list. Labels are changed all the time.

I met with industry, and they said: Here are our top three priorities.

Priority No. 1 is, we want a single national standard so we don't have conflicting State standards.

OK. That is understandable. We are on the verge of having that. In July we would have one State with a standard. There is nothing on the horizon for two States. There are several States that have said: If a whole bunch of States sign up, we will do something collectively. But certainly we are not at risk in the months ahead of more than one State standard, so there is no emergency here. But I agree with the underlying principle that, indeed, when it comes to labels, a warehouse shouldn't have to worry about whether it is shipping product to one subdivision of the State or another subdivision of the State or one State versus another State. So one standard is reasonable.

The second thing they said is, we don't want anything on the front of the package because that might imply there is something wrong with the food.

OK. Fair enough.

The third thing they said is, we don't want anything pejorative.

Fair enough. Have the FDA select a symbol to put on the package.

We could solve this whole debate immediately for those who want to put on a QR code and just say: Scan this code for GE ingredients in this product. OK. Now the consumer gets the 1-second test. They look at it and see there are GE ingredients, and that is all they want to know. They don't want to scan it and give up their privacy, and they don't want to have to go to the Web site and look up the product, where information would probably be misleading anyway. So that is fair enough.

Now, there is a third idea that has been put forward, a third thing that is supposed to count as answering customer inquiries, and that is in this bill—to put information on social media. This triples the size of the house of mirrors. A consumer goes to look at the product to see if it has a code. No. Does it have an 800 number? No. Oh, there is this social media thing. Well, we all know there are over 100 companies doing different types of social media. We know the famous ones. We know Facebook and Instagram and Twitter. So where on their social media did this company put that information? Well, now you really have to be a detective. You could spend hundreds of hours trying to figure out the answer to that.

So the 800 number is phony, the QR code is a scam, and this whole social media thing is a sham.

All citizens want is for us to be honest with them about the ingredients. That is all they are asking for. It is not very much. Scientific studies point to the benefits of some genetic engineering, and they point to problems that have arisen from some genetic engineering. It should be up to the citizen. The citizen has the right to know.

In this age where we are so divided, we have one thing in common, and that is that 90 percent of our citizens—whether from the Presiding Officer's State or any of the States represented by Senators in this distinguished Hall, 90 percent of the citizens want a simple indication on the package. So why today are so many Senators coming to this floor saying they don't care about what their citizens feel? They don't care about their citizens' rights, and they don't care about States' rights.

I have heard so many colleagues who are planning to vote for this sham and scam today come to this floor and talk about the beauty of States as a laboratory for ideas. Well, now, here is Vermont. Vermont has said: We will step up. We will be the laboratory. We will be the first standard and experiment in putting simple information on the package.

Before we make any decision, the rest of the Nation gets the advantage to observe that State laboratory and then to say: Is it working or is it not working? Are there problems being created? How can it be improved? Do we want this as a model for the Nation for a single standard, or do we say that we absolutely don't want it as a model for the Nation?

Well, many of my colleagues here plan to crush the State laboratory. They have given fancy speeches about

States' rights, but they are coming down today to vote to crush States' rights to respond to a fundamental concern of their citizens.

I must say I like the idea of the State laboratory and to see what one State does, but I also understand the underlying concern that in short order there might be multiple States and conflicting standards, and that is not a functioning situation for interstate commerce.

So if we take away the right for a State to give the 1-second test for direct information—1 second—turn over the package; there are 880 calories. That is the test. Turn over the package. GE ingredients are present. Thank you. That is the 1-second test. If we are going to crush the ability of a State to respond to a fundamental concern of its citizens, then we need to provide the same basic provision not in a scary fashion and not in a fashion that takes up space on the package, not on the front of the package; one standard for the entire United States, but it has to meet that test. That is all. It is a simple, fair exchange.

So today I urge my colleagues to vote against cloture because this bill is among the worst bills I have ever seen on the floor of the Senate. It is without good justification, without resolving the issue at hand, crushing States' rights, taking away citizens' right to know, and putting out three phony scam, sham alternatives. That is a very sad state of affairs.

Another sad state of affairs is that this bill is on this floor having not gone through committee. We have heard a lot of pontificating about good process in the Senate and how we were going to have good process, but here is a bill written entirely outside the halls of the committee, never considered in the committee, and here it is on the floor. Such an important issue would merit substantial debate. Such an important issue would merit a full and free amendment process.

But two things happened immediately after this bill was introduced. The first is that the majority leader immediately filed cloture; that is, to close debate. So before one word—not one word had been said on this bill because no one was able to speak between the bill being put on the floor and cloture. Oh, hey, I just filed the bill, and I am closing debate. That is not a fair and open process. Then the tree was filled, so no one can put an amendment forward. On such an important issue, that is not a situation that is acceptable.

Furthermore, this was deftly timed to occur simultaneously with the five big primaries yesterday. So this is a moment where the American people are paying attention to Florida, they are paying attention to Illinois, and they want to know what happened in Missouri. They want to know what occurred in these five States. The press is paying attention to that. That is the one day of debate allowed before this cloture motion is voted on.

So let's take this bill and put it in committee and actually have a committee process to consider it. Then bring it back to the floor with whatever changes the committee makes, and hopefully the committee would honor the fundamental right to know by consumers. Bring the bill back to the floor and have a full and open amendment process on something so important to citizens. But do not crush States' rights. Do not steal consumers' right to know and try to do it in the dark of night while the Nation is distracted by major primaries. It is wrong on policy, it is wrong on process, and it is an injustice to every citizen in our Nation.

Here is the situation: The Nation is very cynical about this body. This body here, they say, isn't responding to the concerns of the American citizens. Is there any single bill that has been more an example to justify that cynicism than this bill which is before us right now? When 9 out of 10 Americans say this is important to them, the majority of this body says: We don't care. When 9 out of 10—or roughly that number—Democrats and Republicans and Independents all agree on something, this body says: We don't care. Isn't the cynicism of the American citizens justified?

Here is the thing: Our Nation was founded on a simple principle. That principle is embodied by three beautiful words in the beginning of our Constitution: ''We the People.'' Well, we the people want simple information on the package. So if we are here to honor that principle, why is this bill before us, I ask my colleagues. Why a bill that says the interests of a few titans in crushing a State laboratory is more important than the views of 90 percent of Americans? And when those Americans are asked, more than 7 out of 10 say this is very important to them, so this isn't one of those casual issues. Why is it so important? Because this is food they put in their mouths and on their table, and even if they have no concerns about the GE product itself, they feel they have a right to know.

So let's return to the principles on which this Nation was founded. Let's quit feeding the cynicism of citizens across this Nation who see these powerful special interests doing the opposite of what citizens ask for. Let's be a Chamber that honors our relationship with our constituents, not one that tries to stomp out their rights. Let's not allow debate to close on this bill. Let's send it back to committee. Let's have a committee process. Let's have a floor debate in the future, with full and free amendments, on an issue so important to our States and so important to our citizens.

Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

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

FILLING THE SUPREME COURT VACANCY

Mr. MCCONNELL. Mr. President, the next Justice could fundamentally alter the direction of the Supreme Court and have a profound impact on our country, so of course—of course the American people should have a say in the Court's direction.

It is a President's constitutional right to nominate a Supreme Court Justice, and it is the Senate's constitutional right to act as a check on a President and withhold its consent.

As Chairman GRASSLEY and I declared weeks ago and reiterated personally to President Obama, the Senate will continue to observe the Biden rule so that the American people have a voice in this momentous decision. The American people may well elect a President who decides to nominate Judge Garland for Senate consideration. The next President may also nominate somebody very different. Either way, our view is this: Give the people a voice in filling this vacancy.

Let me remind colleagues of what Vice President BIDEN said when he was chairman of the Judiciary Committee here in the Senate. 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 what is fair to the nominee and is central to the process. Otherwise, it seems to me . . . we will be in deep trouble as an institution.

Chairman BIDEN went on.

> Others may fret that this approach would leave the Court with only eight members for some time, but as I see it . . . the cost of such a result—the need to reargue three or four cases that will divide the Justices four to four—are quite minor compared to the cost that a nominee, the President, the Senate, and the Nation would have to pay for what would assuredly be a bitter fight, no matter how good a person is nominated by the President.

That was Chairman JOE BIDEN.

Consider that last part. Then-Senator BIDEN said that the cost to the Nation would be too great no matter who the President nominates. President Obama and his allies may now try to pretend this disagreement is about a person, but as I just noted, his own Vice President made clear it is not. The Biden rule reminds us that the decision the Senate announced weeks ago remains about a principle and not a person—about a principle and not a person.

It seems clear that President Obama made this nomination not with the intent of seeing the nominee confirmed but in order to politicize it for purposes of the election—which is the type of thing then-Senate Judiciary Committee Chairman BIDEN was concerned about. It is the exact same thing Chairman BIDEN was concerned about. The Biden rule underlines that what the President has done with this nomination would be unfair to any nominee, and, more importantly, the rule warns of the great costs the President's action could carry for our Nation.

Americans are certain to hear a lot of rhetoric from the other side in the coming days, but here are the facts they should keep in mind. The current Democratic leader said the Senate is not a rubberstamp, and he noted that the Constitution does not require the Senate to give Presidential nominees a vote. That is the current Democratic leader. The incoming Democratic leader did not even wait until the final year of George W. Bush's term to essentially tell the Senate not to consider any Supreme Court nominee the President sent. The Biden rule supports what the Senate is doing today, underlining that what we are talking about is a principle and not a person.

So here is our view. Instead of spending more time debating an issue where we can't agree, let's keep working to address the issues where we can. We just passed critical bipartisan legislation to help address the heroin and prescription opioid crisis in our country. Let's build on that success. Let's keep working together to get our economy moving again and to make our country safer, rather than endlessly debating an issue where we don't agree. As we continue working on issues like these, the American people are perfectly capable of having their say on this issue. So let's give them a voice. Let's let the American people decide. The Senate will appropriately revisit the matter when it considers the qualifications of the nominee the next President nominates, whoever that might be.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment with an amendment to S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, Mike Rounds, John Barrasso, Deb Fischer, Tom Cotton, Roger F. Wicker, Mike Crapo, Johnny Isakson, John Cornyn, Pat Roberts, Orrin G. Hatch, Richard Burr, James M. Inhofe, Jeff Flake, Tim Scott, Cory Gardner, Shelley Moore Capito.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 764, with amendment No. 3450, offered by the Senator from Kentucky, Mr. MCCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mrs. ERNST). Are there any Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 49, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—48

Alexander	Donnelly	McCain
Ayotte	Enzi	Moran
Barrasso	Ernst	Perdue
Blunt	Fischer	Portman
Boozman	Flake	Risch
Burr	Gardner	Roberts
Capito	Graham	Rounds
Carper	Grassley	Sasse
Cassidy	Hatch	Scott
Coats	Heitkamp	Sessions
Cochran	Hoeven	Shelby
Corker	Inhofe	Thune
Cornyn	Isakson	Tillis
Cotton	Johnson	Toomey
Crapo	Kirk	Vitter
Daines	Lankford	Wicker

NAYS—49

Baldwin	Hirono	Paul
Bennet	Kaine	Peters
Blumenthal	King	Reed
Booker	Klobuchar	Reid
Boxer	Leahy	Schatz
Brown	Lee	Schumer
Cantwell	Manchin	Shaheen
Cardin	Markey	Stabenow
Casey	McCaskill	Sullivan
Collins	McConnell	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murkowski	Whitehouse
Gillibrand	Murphy	Wyden
Heinrich	Murray	
Heller	Nelson	

NOT VOTING—3

Cruz	Rubio	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from Texas.

FILLING THE SUPREME COURT VACANCY

Mr. CORNYN. Madam President, as the world now knows, this morning President Obama nominated his choice to fill the vacant seat created by the death of Justice Antonin Scalia. In doing so, the President exercised his unquestioned authority under the Constitution to nominate somebody to this vacancy, but that same Constitution reserves to the U.S. Senate—and the U.S. Senate alone—the right to either grant or withhold consent to that nominee. It is the same Constitution. They can't argue that the President somehow has an unquestioned right to see his nominee rubberstamped by the Senate and still show fidelity and honor to the same Constitution that gives him that authority to make that nomination.

At this time, I reaffirm my commitment to share with other members of our conference that the President—this President—will not fill this vacancy. The Senate will not confirm this nominee to this vacancy. In so doing, we will follow the same rule book that Democrats have advocated for in the past. It can't be that one set of rules apply to a Democratic President and a second set of rules apply when there is a Republican President. This isn't just about speculating what Democrats might do were the shoe on the other foot and we had a Republican President because they have told us what they would do—they have done this since 1992—and in many ways they have kept their promise.

There is a lot at stake. Justice Scalia served for 30 years on the U.S. Supreme Court. The next Justice could well change the ideological makeup and the balance of the Supreme Court for a generation to come and fundamentally reshape America as we know it.

At this critical juncture in our Nation's history, and particularly with regard to the judiciary and the highest Court in the land, the American people deserve a chance to have a say in the selection of the next lifetime appointment to the Supreme Court, and the only way to empower the American people and ensure they have that voice is for the next President to fill the nomination created by this vacancy.

I have heard some people say that we had that election in 2012, when President Obama was elected, but I would say that you are half right. We also had another election in 2014, where the American people gave Republicans a majority in the U.S. Senate because they saw what happened when this President didn't have any checks and balances. We saw this during the beginning of his term of office when ObamaCare was passed by a purely partisan vote. We saw it when Dodd-Frank was passed—again, by an overwhelmingly bipartisan vote. So, in 2014, the American people said to President Obama: We want an effective check on Presidential power—and that is what the American people got.

We can't just look at the one side of the equation—the President's authority under the Constitution—and the fact that the President was reelected in 2012. We have to look at what happened in 2014 and the constitutional prerogative of the U.S. Senate either to grant or to withhold the confirmation.

OUR NATIONAL DEBT

Madam President, later today the Judiciary Committee will be holding a hearing addressing America's impending fiscal crisis, including some potential solutions to help reverse the unsustainable course we are on. I know we don't hear very much about it here in Washington. This seems to be ''people walking by the graveyard,'' so to speak, regarding the fact that our national debt hit $19 trillion for the first time ever. This means our debt climbed more than $1 trillion in a little over a year. In fact, this is a shocking statistic that we will not read about in most of the mainstream media. The national debt has roughly doubled—

roughly doubled—since President Obama took office a little over 7 years ago.

The Congressional Budget Office projects that for the fiscal year 2016, spending will reach $3.9 trillion, an increase of $232 billion from the previous year. I know that when we are talking about trillions and billions of dollars, it boggles the imagination. Most of us can't even conceive of numbers that large, but the fact is, when you borrow money, you have to pay it back at some point. Frankly, what I worry most about is that my generation is not going to be the one to repay the money we borrow. It is going to be the next generation. I know a lot of parents and grandparents worry about whether the American dream will still be alive and available to the next generation and beyond. This is a huge moral lapse on the part of the current generation, to not pay our own debts and to not come up with a system or a framework by which to begin that process.

Rather than addressing this problem head on, government spending is set to remain high over the coming decade, even with the discretionary spending caps and sequester put in place by the Budget Control Act. Inside the beltway, people talk a lot about sequester and the Budget Control Act, but that is only 30 percent of Federal spending. Seventy percent of Federal spending is on autopilot, growing in some cases by a rate of 70 percent or more a year. Not addressing this is irresponsible, it is dangerous, and it also limits the choices available were our country to become embroiled in another fiscal crisis like we saw in 2008.

If we ask our national security experts—former Chairman of the Joint Chief of Staff ADM Mike Mullen said the No. 1 security threat to the United States was the debt. That shocked me a little bit when I heard him say that, but what he meant—and I know it to be true—is that more and more of the tax dollars the Federal Government receives are going to be paid to the bondholders who own that debt—the Chinese and other people around the world. We have to pay the interest on the debt if we are going to borrow the money, but more and more the spending decisions will be taken out of the hands of the elected representatives of the American people and simply be left up to the accountants who say: OK. You have accrued this much debt. Here is the interest that needs to be paid on that debt to the bondholders, and there is not going to be enough money left over to protect the national security of the United States of America.

We have already seen our military on a dangerous trajectory potentially leading to the smallest Army since World War II. We tried to deal with some of that just last fall to begin to reverse some of this because frankly this was no longer a matter of just cutting superficial cuts. These were into the muscle and the bone of what makes up our national security structure, and we know what happened too. Our friends on the other side said: If you want to spend more money to protect this country with national security spending, then we are going to demand dollar-for-dollar more spending on nondefense, discretionary spending. That is why we ended up with the deal we ended up with.

I have found it very frustrating in my time in the Senate how many of our colleagues will talk about this issue, but I have to be honest, the ones who frustrate me the most are the ones who will not talk about it at all, to even acknowledge the fact. We need to have a conversation, and more than that we need to have a commitment and we need to have a goal when it comes to dealing with this national debt and runaway spending.

Our Democratic friends apparently share the same philosophy as the current President to create a tax-and-spend agenda without considering the long-term ramifications to job creation, the economy, not to mention our children and grandchildren. I am glad to say this side of the aisle has tried to do what I described earlier, which is to take a responsible position on embracing a policy which would help us to pay down the debt, deal with this in a fiscally responsible way, and allow us to get our books back in good order.

We are going to take up this matter before the Senate Judiciary Committee today. We will be discussing reining in spending and making progress on the debt, including an amendment to the United States Constitution that would require a balanced budget.

I can hear it now—because I have heard it before—some of our colleagues across the aisle saying: Heaven forbid. We can't amend the Constitution. Well, we have done it 27 times. Now, we don't do it willy-nilly. We don't do it for small things, but for something like this, it may well be required. Frankly, this is one of the most important lessons of economics that all of us who have children have tried to teach our children, which is you don't spend money that you don't have—well, I guess, unless you are the Federal Government and you can print it or you can borrow it, but at some point the birds come home to roost.

Of course, our commitment to commonsense spending goes far beyond today's hearing on the balanced budget amendment to the Constitution. Many will recall that folks on this side of the aisle highlighted gimmicks in the discretionary budget process that only hide the real cost and don't actually reduce spending. There are a lot of shell games that go on here in Washington, DC. I am glad our budget amendment last year focused on bringing stunts like those to an end and placed a limit on their use in the appropriations process.

Most recently, we used reconciliation through the budget process to keep our promise to vote to repeal ObamaCare—a law that has been burdening American families and businesses with higher taxes and mandates, while failing to contain premiums and financial losses on the exchanges. But instead of offering solutions to our growing debt, many of our Democratic colleagues are content to sit back and criticize those of us who are trying to come up with a solution to address this problem: how to safeguard our Nation's fiscal health. They argue that a balanced budget amendment isn't feasible or that certain government programs are so essential that we have to up their funding at the expense of the taxpayer, or they act as if the debt isn't a problem, or if it is a problem, that all they will do is raise taxes enough to try to balance the budget. You can't do that. You cannot raise taxes high enough on the American people to pay off $19 trillion in debt. Those aren't solutions; those are talking points. They don't help the American people make ends meet, and they don't help the U.S. Government live within its means.

So I would like to ask, what are the Democratic solutions to our national debt? We are going to ask that question this afternoon. We are going to have some expert witnesses offer a number of suggestions. Then we are going to ask our friends across the aisle, what is your solution? I hope we hear more than just crickets or criticism that what we are proposing simply will not work.

I know my colleagues and I would welcome constructive input and serious, good-faith proposals to stem the burgeoning national debt, but until then, our friends across the aisle need to do more than sit on their hands or just whistle past the graveyard of this impending national disaster.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I appreciate the comments of my distinguished colleague from Texas. As usual, he is right on and one of the great leaders on trying to balance the budget through a constitutional amendment. I personally appreciate his efforts and his expertise in doing that.

FILLING THE SUPREME COURT VACANCY

Madam President, on a different subject, I rise today to speak about the need for the Senate to do its job regarding the Supreme Court vacancy created by the untimely death of Justice Antonin Scalia.

The Constitution gives to the President the power to nominate Supreme Court Justices, and President Obama has exercised that power by nominating Judge Merrick Garland. The Constitution gives to the Senate the power of advice and consent, and it is time for the Senate to do its job.

The sound bite ''do your job'' is catchy, quotable, and short enough to fit in very large letters on a large chart that Democratic Senators bring to this floor. Rarely, however, have so few words been so misleading for so many.

This cliché begs but does not answer the most important question: What is the Senate's job regarding the Scalia vacancy? When Democrats and their liberal allies say ''Do your job,'' they really mean ''Do as we say now, not as we did then.'' Saying that would be more honest, but then no one else would be persuaded by it. So they say that the Constitution provides the Senate's job description, requiring a prompt Judiciary Committee hearing and a timely floor vote. There may be a constitution somewhere that says such a thing, but it is certainly not in our Constitution—the Constitution of the United States—that each of us has sworn an oath to support and defend.

In a way, I am not surprised that liberals would use a made-up, fictional constitution to pursue their political goal. After all, they favor judges who do the same thing. From the time he was a Senator serving in this body, President Obama has said that judges decide cases based on their personal empathy, core concerns, and vision of how the world works. My goodness. If that were the case, any philosopher could be a Supreme Court Justice. He has nominated men and women who believe that judges may change the Constitution's meaning based on things such as cultural understandings and evolving social norms. Give me a break.

The kinds of judges liberals favor see unwritten things in our written Constitution. They discover things between the lines of our written charter that come not from those who drafted and ratified the Constitution, not from the American people, but from the judges' own imaginations.

If the Constitution we have—the one our fellow citizens can read—suits them, then activist judges will use it. If not, then activist judges will make up a new constitution that is more useful to their purposes. America's Founders fashioned a system of government with built-in limits, including a defined role for unelected judges. The Supreme Court observed in the famous case of Marbury v. Madison that the Constitution is written down so that these limits will be neither mistaken nor forgotten and is intended to govern courts as much as legislatures. The activist judges whom liberals favor reject those limits. They look at written law such as the Constitution and statutes merely as a starting point, as words without any real meaning. Their oath to support and defend the Constitution is really an oath to support and defend themselves, since in the long run their constitution is one of their own making.

So I am hardly surprised that today Democrats and their leftwing allies turn to a fictional constitution when telling the Senate to do its job. That constitution, however, simply does not exist. The real Constitution leaves to the President and to the Senate the decision about how to exercise their respective powers in the appointment process.

What is the Senate's job regarding the Scalia vacancy? The Senate's job is to determine the best way to exercise its advice and consent power under the circumstances we face today. Thankfully, we are not without guidance in deciding the best way to exercise our advice and consent power regarding the Scalia vacancy. We can, for example, look at precedent.

It hardly takes a law degree to know that a precedent is more legitimate if it is more similar to the situation before us. Comparing apples and apples is more helpful than, say, comparing apples and rocks. That is just a matter of common sense.

Candidly, the fictional claims offered in recent days suggest that some of the lawyers among us could benefit from even more common sense. Over the years, the Senate has considered nominations in different ways at different times, depending on the circumstances. Consider these precedents with great bearing on the current circumstances: The Senate has never confirmed a nominee to a Supreme Court vacancy that opened up this late in a term-limited President's time in office. This is only the third vacancy in nearly a century to occur after the American people had already started voting in a Presidential election, and in the previous two instances—in 1956 and 1968—the Senate did not confirm a nominee until the following year. And the only time the Senate has ever confirmed a nominee to fill a Supreme Court vacancy created after voting began in a Presidential election year was in 1916, and that vacancy arose only because Chief Justice Charles Evans Hughes resigned his seat on the Court to run against incumbent President Woodrow Wilson.

There is also another precedent that has received little attention but is worth considering. President John Quincy Adams nominated John Crittenden to the Supreme Court in December 1828, after Andrew Jackson won the Presidential election. The Senate, by voice vote, rejected an amendment to a resolution regarding the Crittenden nomination that asserted it is the duty of the Senate to confirm or reject a President's nominees. In one of its reports on the confirmation process, the Congressional Research Service discussed this vote and concluded: ''By this action, the early Senate declined to endorse the principle that proper practice required it to consider and proceed to a final vote on every nomination.''

I believe the precedents, such as they are, support the principle that the Senate must decide for itself how to exercise its power of advice and consent in each situation.

We have another source of guidance for how to exercise the advice and consent power in the particular circumstances of the Scalia vacancy. In 1992—another Presidential election year during divided government—then-Judiciary Committee Chairman JOSEPH BIDEN, now our Vice President, addressed this very issue. Senator BIDEN recommended that if a Supreme Court vacancy occurred that year, the entire appointment process—both nomination and confirmation—should be deferred until the election season was over. Here is what he said in a lengthy interview with the Washington Post:

> If someone steps down, I would highly recommend the president not name someone, not send a name up. If [the president] did send someone up, I would ask the Senate to seriously consider not having a hearing on that nominee.

Chairman BIDEN also explained the reasons for this recommendation. He said, for example, that an election-year nominee would be caught up in a ''power struggle'' over control of the Supreme Court.

He was prescient.

In that interview, Chairman BIDEN also said:

> Can you imagine dropping a nominee, after the . . . decisions that are about to be made by the Supreme Court, into that fight, into that cauldron in the middle of a presidential year? . . . The environment within which such a hearing would be held would be so supercharged and so prone to be able to be distorted.

A week later, Chairman BIDEN addressed the Senate about the confirmation process and further explained his recommendation for deferring the appointment process should a Supreme Court vacancy occur. He repeated his recommendation regarding how to handle a Supreme Court nomination occurring that year. Let me refer to this chart and read it:

> President Bush should consider following the practice of a majority of his predecessors and not—and not—name a nominee until after the November election is completed. . . . [I]f the President . . . presses an election-year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.

Chairman BIDEN again explained the reasons for this recommendation. The confirmation process had degraded in the wake of controversial nominations, and the Presidential campaign that year looked to be particularly bitter. As a result, he said, partisan bickering and political posturing would overwhelm the serious evaluation required. In addition, the Presidential election season was already well underway, and different parties controlled the nomination and confirmation phases of the appointment process.

Chairman BIDEN could have been talking about 2016 instead of 1992. In fact, each of the factors leading to his recommendation for deferring the appointment process in 1992 exists in the same or greater measure today.

Not a single Democrat objected to Chairman BIDEN's recommendation to defer the appointment process. Not one. Not one Democrat. If what Democrats say today is true—that the Constitution requires a prompt hearing and a timely floor vote for every nomination—surely someone, anyone would

have said so in 1992. Not so. My colleagues will search the 1992 CONGRESSIONAL RECORD in vain for the slogan ''do your job.'' It appears that a different Constitution was in force in 1992 because no Democratic Senator or leftist organization insisted that the Constitution required a prompt hearing and timely floor vote. No one claimed that the Senate would be shirking its constitutional duty by following Chairman BIDEN's recommendation.

The first step in exercising our power of advice and consent regarding the Scalia vacancy then is to decide how best to do so in the circumstances we face today. Precedent generally, and guidance from past Senate leaders specifically, counsel strongly in favor of deferring the confirmation process until after the Presidential election season is over. That is clearly the best course for the Senate, the judiciary, and, of course, the Nation. That conclusion is reinforced by another important factor: Elections have consequences. Democrats and their left-wing allies also use that axiom but want people to believe that 2012 was the only election relevant to the Scalia vacancy. They want people to believe that because President Obama was reelected in 2012, he should be able to appoint whomever, whenever, and however he likes. That idea must appear in another provision of the Democrats' fictional constitution because, once again, the real one says no such thing.

The 2012 election did give the President the power to nominate, and he can exercise that power however he chooses until his final minutes in office next January, and I will uphold that right. He has exercised that power by nominating Judge Merrick Garland.

The 2012 election, however, was not the only one with consequences. The 2014 election, for example, had tremendous significance for the Senate's power of advice and consent. The American people gave control of the Senate, and therefore control of the confirmation process, to Republicans. Here, too, we may find some guidance from our friends on the left in addressing this circumstance. President Ronald Reagan nominated Judge Robert Bork to the Supreme Court in 1987. This was 3 years after his reelection and a year after the Senate majority changed hands.

Here is how the New York Times addressed the argument that elections have consequences:

> The President's supporters insist vehemently that, having won the 1984 election, he has every right to try to change the Court's direction. Yes, but the Democrats won the 1986 election, regaining control of the Senate, and they have every right to resist.

The same circumstances obviously exist today. By the way, no one should waste time wondering if the New York Times has applied the same principle today. It, of course, hasn't.

In addition to 2012 and 2014, the 2016 election will have tremendous consequences for the American people and the courts. It will give the American people a unique opportunity to express their opinion about the direction of the courts by electing the President who nominates and the Senate that gives advice and consent. Republicans and Democrats, conservatives and liberals, have very different views about the kind of judge that America needs. Justice Scalia represented a defined, modest approach to judging while, as I mentioned earlier, President Obama has advocated an expansive and activist approach.

I have served on the Judiciary Committee longer than all but one Senator since the committee was created 200 years ago. One thing is clear to me: The conflict over judicial appointments is a conflict over judicial power. The two models of judicial power or judicial job descriptions that I have described have radically different consequences and implications for our Nation and our liberty.

The American people have expressed increasing concern about the Supreme Court's direction since President Obama was elected. Most Americans, for example, believe that Supreme Court Justices decide cases based on their personal views and object to their doing so. With Justice Scalia's untimely passing, the American people now have a unique opportunity to have a voice in charting a path forward.

I cannot conclude today without addressing what is widely understood to be part of the President's strategy in nominating Judge Garland to the Scalia vacancy. The Senate confirmed Judge Garland to the U.S. Court of Appeals by a vote of 76 to 23 in 1997. This, I take it, is supposed to suggest that the Senate should do likewise regarding Judge Garland's nomination to the Supreme Court.

So there is no mistake, I will say this as clearly as I can: The confirmation process regarding the Scalia vacancy will be deferred until after the election season is over for the reasons I have explained. That decision has nothing whatsoever to do with the identity of the nominee, and Republicans made our decision known weeks ago, before the President had chosen anyone.

I think highly of Judge Garland. But his nomination doesn't in any way change current circumstances. I remain convinced that the best way for the Senate to do its job is to conduct the confirmation process after this toxic Presidential election season is over. Doing so is the only way to ensure fairness to the nominee and preserve the integrity of the Supreme Court.

I also want to emphasize that the considerations relevant to an individual's nomination to one position do not necessarily lead to the same conclusion regarding his nomination to another position, especially the Supreme Court. Here, too, I want my colleagues to be aware of guidance we can draw on from the past.

In 1990, then-Chairman JOSEPH BIDEN presided over the hearing on the nomination of Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit. He said: ''[T]here is a fundamental distinction between what is required of and should be sought of a circuit court judge and a district court judge and a Supreme Court Justice.'' He was right then, and he is right today.

Democratic Senators made the same point in 2005 when they sought to distinguish their earlier support for John Roberts' appeals court nomination from their intention to oppose his Supreme Court nomination. Mr. SCHUMER, our distinguished Senator from New York, for example, called it a whole new ball game. He said, ''you've got to start from scratch.'' Senator LEAHY agreed, saying that the Supreme Court is different from the lower courts. I couldn't agree more. Add this to the list of standards that my Democratic colleagues have reversed now that the partisan shoe is on the other foot. Senate Republicans have explained repeatedly and in detail why the best way to exercise our advice-and-consent power in this situation is to defer the confirmation process. That conclusion is completely unrelated to whether the President chooses a nominee, or if he does so, who that nominee is.

President Obama could have followed Vice President BIDEN's 1992 advice and deferred a nomination to fill the Scalia vacancy. He chose not to do so. For the reasons I have discussed—precedent, past guidance, and the consequences of elections—the Senate should follow that advice and defer the confirmation process for the good of the Senate, the Judiciary, and the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROUNDS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mr. ROUNDS. Mr. President, I rise today to discuss the vacancy on the U.S. Supreme Court in light of President Obama's announcement that he has nominated Chief Judge Merrick Garland to replace Justice Scalia.

Replacing Justice Antonin Scalia, who was one of our Nation's strongest defenders of our Constitution, will be difficult. For almost 30 years, with his brilliant legal mind and animated character, he fiercely fought against judicial activism from the bench. He will be greatly missed by not only his family and loved ones but by all Americans who shared his core conservative values and beliefs.

Under the Constitution, the President shall nominate a replacement, as he did today, and the Senate has a constitutional role of advice and consent.

This is a constitutional responsibility that I take very seriously.

The decisions the Supreme Court makes often have long-lasting ramifications that—with one-vote margins—can dramatically alter the course of our country. At a time when the current administration has stretched the limits of the law and attempted to circumvent Congress and the Federal court system, choosing the right candidate with the aptitude for this lifetime appointment is as important as ever.

I have determined that my benchmark for the next Supreme Court Justice will be Justice Scalia himself. Scalia's strict interpretation of the Constitution and deference to States' rights set a gold standard by which his replacement should be measured.

As we all know, every Republican member of the Senate Judiciary Committee sent a letter to Senate Majority Leader MITCH MCCONNELL expressing their firm belief that the people of the United States deserve to have a voice in determining the next Supreme Court Justice. In their letter, they wrote:

> Article II, Section 2 of the Constitution is clear. The President may nominate judges of the Supreme Court. But the power to grant—or withhold—consent to such nominees rests exclusively with the United States Senate.

As a result, the committee does not plan on holding any hearings related to this issue until after a new President has taken office. This decision will allow the American people to have a voice in the next Supreme Court Justice based upon who they elect as the President this November.

My colleagues on the other side of the aisle have argued that the American people did have a voice when they elected President Obama in 2012, but that election was nearly 3½ years ago. Since that time, a lot has changed in our country, signaling a shift in America's views of our President and his philosophy of government. We don't need to look any further than the 2014 elections for proof. In the 2014 elections, the Senate switched from Democratic-controlled to Republican-controlled. In fact, I am one of those Republican Senators who replaced a Democrat in the last election. Many of us who ran were not supporting the President's policies. In fact, we ran because we wanted to change the direction the President was moving our country.

At the State level, in 2012, the last time President Obama was elected, there were 29 Republican Governors and 20 Democratic Governors. In 2014, the number of Republican Governors rose from 29 to 31, while the number of Democratic Governors decreased from 20 to 18. We saw similar results in State legislative races across the country.

In 2012, Republicans held a majority in both chambers of 26 State legislatures. In 2014, that number rose to 30. And if we take into account the conservative-leaning but officially nonpartisan legislature of Nebraska, that number jumps even higher—to 31.

In 2012, Democrats held the majority of both chambers in 15 States. In 2014, that number was reduced to 11.

So in the years since the President's last election, Republicans not only held a strong majority in the House of Representatives, but they took back control of the Senate and increased their numbers at the State level as well.

There is no doubt that there has been a clear shift in the minds of the American people since President Obama's last election.

I believe, just as many of my colleagues do, that the Republican victories of 2014 should be taken into consideration and, therefore, we should wait to confirm the next Supreme Court Justice until after a new President takes office. Overwhelmingly, South Dakotans who have contacted my office agree with this decision.

One gentleman from Lemmon, SD, wrote to me saying: ''Our country hangs in the balance as to what the future of this great country will look like. . . . This decision is too crucial and the next Supreme Court nominee should be nominated by the next President of the United States.''

Another South Dakotan from Brandon noted: ''This is a rare opportunity for the American voter to actually have a voice in how the Court will be structured for many years to come. Please help preserve that opportunity for us all.''

In another example, a woman from Estelline wrote saying: ''Hearing of the passing of Justice Scalia was heartbreaking news. I ask that you do your part to allow the people to have a say in who the next Justice of the Supreme Court will be.''

These are just a few examples of the numerous South Dakotans who have contacted my office who agree that the American people have a voice in the direction our country will take in the decades to come. As much as my colleagues on the other side of the aisle would like to see the Senate confirm a nominee from our current President, the reality is that when the tables are turned, they agree with our position. In fact, it was Vice President JOE BIDEN who, when he served as the chairman of the Senate Judiciary Committee, said on this very floor in 1992: ''It is my view that if a President goes the way of Presidents Fillmore and Johnson and presses for an election-year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.''

It was minority leader HARRY REID who said in 2005: ''The duties of the United States Senate are set forth in the Constitution of the United States. Nowhere in that document does it say the Senate has a duty to give presidential nominees a vote.''

And the Senate Democrats' next leader, Senator SCHUMER, said in 2007, close to 2 years before President Bush's term ended: ''We should not confirm any Bush nominee to the Supreme Court except in extraordinary circumstances.''

Whoever is confirmed to fill the open seat on the Supreme Court will be serving a lifetime appointment. Keeping in mind the current political makeup of the Court, the man or woman who will replace Justice Scalia has the potential to hold incredible influence over the ideological direction of the Court for a generation to come.

It is critically important that the next Justice be committed to upholding the principles of the Constitution. We owe it to Justice Scalia, our judicial system, and the Constitution to uphold the highest standards when determining our next Supreme Court Justice. We also owe it to the American people to make certain that their voice is heard in this election.

For these reasons, I agree with my colleagues on the Judiciary Committee and in the Senate leadership that we should not hold hearings on a Supreme Court nominee until after our new President takes office.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WASTEFUL SPENDING

Mr. COATS. Mr. President, I am once again on the floor for my 37th edition of ''Waste of the Week'' speech, where I disclose wasteful spending, fraud, and abuse of taxpayers' dollars. It seems it is never ending because after 37 weeks I feel as if I am just scratching the surface.

Last week, as some will remember, I talked about how the National Science Foundation spent $331,000 of hard-earned tax dollars by giving a grant to researchers to study whether or not being ''hangry'' is a real thing. Most people have not heard about the word ''hangry.'' Last week I suppose people ran to the dictionary to see what the description was. ''Hangry''—I think among the younger people—means that you are both hungry and angry, and you are angrier than you normally would be in a situation because you are hungry.

I wasn't hungry last week when I was talking about ''hangry,'' but I was angry. I was angry over the fact that $331,000 of taxpayers' money was being used to offer a grant from the National Science Foundation to study whether this exists. They came up with this crazy situation of giving voodoo dolls to husbands and wives. Every time a husband was angry with his wife, he would take a pin and stick it into the voodoo doll or if she was angry with him, she would take a pin and stick it

into the voodoo doll. I don't know who ended up with the most pins. Probably the wife had more pins in the voodoo doll than the husband did. Nonetheless, then a glucose test was taken to see if they were actually a little short on glucose in the bloodstream, meaning they were hungry. Well, the conclusion was that, yes, if you were hungry, you tended to be a little more on edge, a little more testy.

That might have been a fun study to be engaged in just for laughs, but this was paid for with taxpayer dollars. This was a grant issued by the National Science Foundation. We tell people about the National Science Foundation, and they must think, oh, that is probably one of the better government agencies.

So that was last week, and I wasn't sure that anything could top last week. Because I was quoted as saying—who could make up stuff like this? Do people sit around and say: Let's see if we can get a grant to do some kind of research project that is nothing but crazy? The amazing thing is someone over at the National Science Foundation looked at this study and thought: Hey, this is a good idea. Let's give them a $331,000 grant. And so we added it to the chart.

Now we are here this week, and I want to talk about something that is maybe even scarier than sticking pins in voodoo dolls, and it is called the Master Death File. This is not the name of a new novel on the New York Time's best seller list. This is not the name of a new movie coming out. The Master Death File is something, folks, you don't want to be on.

The Federal Government, by law—the Social Security Administration—has to maintain the Master Death File. Obviously, those of us on Social Security or who are of Social Security age don't want to see our name on that list. If your name is on that list, you are no longer eligible for Social Security payments because it is a death list; you have died.

So as sinister as it sounds, it is probably necessary that we do this—that we have at least some list that lets the Social Security Administration know that it is time to stop sending Social Security checks to dead people. The beneficiary or the recipient has died, and, therefore, procedures are made so that the next check doesn't keep rolling out and rolling out and rolling out.

A lot of us here in the Senate get on different kinds of lists—voter records, awards for standing up for certain issues and policies that people respect—and I have found myself on a number of those. One list I don't want to be on, but know that as a human being I am sort of careening toward, is the Master Death File. So we thought, well, let's dig into this and see how it works. So we went to the Government Accountability Office and said: What about this Master Death File?

So we did some investigation on that. Out of that investigation came an example of one agency the General Accountability Office had examined, and it is the U.S. Department of Agriculture. The Department of Agriculture sends out checks—payments for conservation, disaster relief and crop subsidies. Well, we found that between 2008 and 2012, $27.6 million in payments for conservation, disaster relief, and crop subsidies were made to people who had died. What is more disturbing is that many of those recipients had been dead for more than 2 years.

This is just one department out of all the hundreds of Federal agencies that issue checks for all kinds of different purposes. So it is important to have a Master Death File because what we want these agencies to do—in fact, they are obligated to do under the law—is to check the master death list to make sure the checks aren't going to people who are on that list.

Obviously, with this one agency—the Department of Agriculture—one of two things happened: Either names did not get on that list, or names were on the list, but they didn't check it. Either way, there is a responsibility here for the Federal Government in handling taxpayer dollars to make sure that for those who are deceased, their names get on the Master Death File—as scary as that is—and/or, if they are on the list, they do not receive the payments.

In this digital age, it shouldn't be too hard to keep that Master Death File updated. Every State has records that have to be kept—sent by the coroner or authorized by the hospital or whatever. There are a number of sources of finding out. Particularly in the digital age, it is pretty easy to enter a name when you get the certificate of death. You enter the name, it goes onto the master death list, and it ought to be relatively easy for agencies sending out checks to coordinate with that by either pushing a button or going into an app or whatever and finding out that John Jones or Bill Smith still qualifies for his Social Security payments. That check ought to be pretty automatic.

Unfortunately, it isn't, particularly when you find people have been receiving these checks even 2 years after they have died. So something is amiss here. It is not like in the old days, where you probably had to call Farmer Bob out in rural America and say: Do you know if Farmer Joe down the road is still living? Have you seen him in town lately? What is happening? Did you go to the funeral? We don't have to do all that anymore. This stuff is all digitized and all very accessible.

So here we are with the Social Security Administration needing to do what it needs to do to make sure that list is kept up-to-date. And, as I say, none of us are anxious to get on that list. I see all the young pages down here thinking: I have a long time to go. They are looking at this aging Senator thinking: You are a lot closer to that list than we are. I hope they are not thinking that. Some of them are smiling. Nonetheless, the agencies that are issuing the checks also have to do their job because, in a serious way, this is taking money from hard-working taxpayers. It is hard-earned money taken from those who have to pay the bills at the end of the week, who have to cover their mortgage and provide for the education of their children and who have to buy food at the grocery store and gas at the gas pump. People are scraping by, and when they see this kind of thing or hear about this kind of thing, they are outraged.

We are seeing this being played out in the nomination process on both sides—the Republicans and the Democrats. People are frustrated with the inefficiency and the ineffectiveness of the Federal Government in the use of their tax dollars. So I am here to illustrate that—not to spur continued anger and outrage but to get people seriously focused on the fact their dollars are not being wisely spent. They need to call their Congressmen and Senators, and they need to say: You need to do a better job of managing our money we are sending you to protect this Nation, to provide for roads, bridges, health care, and so forth.

There are some essential things government needs to do, but surely it doesn't need to put out $331,000 for a ''hanger'' study with voodoo dolls, and it doesn't need to waste $27.6 million of checks going to people who are deceased and who are no longer eligible for receiving that.

So we continue to add money to our total—another $27.6 million to our $157,619,142,953. These numbers get up there. So we are at $157,619,142,953, and we will be back next week with the next edition of ''Waste of the Week.''

I thank the Chair.

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

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

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

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

METHANE EMISSIONS

Mr. BARRASSO. Mr. President, last week the Prime Minister of Canada came for a visit. President Obama used that opportunity to take yet another cheap shot at American energy producers. The administration has made a deal with Canada to cut methane emissions from oil and gas production facilities.

They want tough new restrictions to cut emissions almost in half over the next decade. The very same day, the Environmental Protection Agency said that it plans to come up with more regulations for methane.

The Obama administration is already trying to limit the methane that gets released from new oil and gas wells as they get put into production. Now the administration wants to go back and impose those limits on existing wells—ones that were built to actually comply with the current rules on the books.

Here is what I find most interesting about this. This was an official state visit by a foreign leader to the United States. It was the first trip for the new Prime Minister of Canada, Justin Trudeau. So President Obama decided that the most important thing the two countries could talk about was methane—not Syria, not trying to stop radical Islamist terrorists, not dealing with ISIS, not the hostile regimes of North Korea, Iran, or Russia, not what we could do to actually help our economies grow—no. Instead, President Obama chose to focus on methane.

Why is President Obama so fixated on this? Let me tell you. The President is bitter—bitter that the Supreme Court is blocking his Clean Power Plan. He is pouting and he is pandering. He has gone after coal, he has gone after oil, and now he is going after natural gas. It is a vendetta against American energy producers.

The President and other Democrats are pandering to radical environmental extremists and to their billionaire donors.

We all want to make sure that we have a clean environment. My goal is to make American energy as clean as we can, as fast as we can, and to do it in ways that don't raise costs for American families. That is why the people I talk with in Wyoming believe that this new regulation is the wrong approach.

My local newspaper, the Casper Star Tribune, had a front-page article about it on Friday. The headline was this: ''Cuts to methane emissions proposed.'' The article quotes John Robitaille. He is from the Petroleum Association of Wyoming. He says the Environmental Protection Agency ''has failed to recognize the economic burden placed on replacing equipment on existing wells as opposed to new wells''—ones that are still to be built.

John Robitaille may say ''failed to recognize.'' I say the administration deliberately refuses to recognize—refuses. For Washington to come in and demand expensive new equipment for all of these oil and gas wells would be a huge cost. It would drive up prices for consumers, and it would mean that some of these wells wouldn't be economically worthwhile anymore. The oil and gas would stay in the ground where it does nothing to help power our economy or power our country.

States are already doing their part. States are trying to limit methane leaks where they find a problem. Colorado has a leak detection and repair program that will help keep ozone and methane from escaping. Wyoming, my home State, is looking for ways to get more up-to-date equipment on new wells as they get going.

So the States are already taking the lead, and they are already coming up with solutions where they are needed. This is not a one-size-fits-all regulation coming from unelected, unaccountable Washington bureaucrats. But that is what we are having to deal with now in this administration.

What we prefer are State solutions. What I just described are State solutions that strike a commonsense balance between a strong economy and a very healthy environment. It is not just the States that are taking action. Oil and gas producers also want to reduce how much methane escapes from these wells.

When you think about it, producers would prefer to capture that gas and then to sell it so it can be used. That is why the industry reduced methane emissions by 13 percent between 2008 and 2013. Over the same years, U.S. shale gas production grew by 400 percent. So the industry actually cut emissions even while gas production went way up. This happened because of the action that the producers in the States have already been taking, not because of more regulations coming out of Washington, DC. Energy producers need the flexibility to tackle these emissions when and how it makes sense.

There are already too many rules on the books. The Bureau of Land Management has another methane rule in the works. More duplicative regulations will just raise costs for Americans at a time when our economy is weak and emissions actually are already dropping.

This new redtape could add hundreds of millions of dollars every year onto the cost of producing American red, white, and blue energy. If the Obama administration really wants to reduce emissions from oil and gas wells, it should help the industry to capture this gas and to use it.

This was the subject of bipartisan legislation that Senator HEIDI HEITKAMP of North Dakota and I offered last month. It was an amendment to the energy legislation. Our bipartisan amendment would have expedited the permit process for natural gas gathering lines—the lines that gather this gas on the Federal land, on Indian land and then help take it to market.

Gas gathering lines are essentially pipelines that collect unprocessed gas from oil and gas wells and then ship it to a processing plant. At the plant, different kinds of gases—methane, propane—are separated from one another. They are then shipped out again to locations where they can be sold and used by people.

That is what the producers want to do. The problem is that we don't have enough of these pipelines now to gather up the gas and to send it to the processing plants. A lot of times there is only one option if you don't have the gathering lines, and that is to flare or vent the excess natural gas at the well. If there were more gathering lines, we would have a lot less waste of energy. We would have a lot less of these methane emissions that President Obama claims to be so worried about. So Senator HEITKAMP and I offered a better way to deal with the problem, and 43 Democrats here in the Senate blocked our amendment.

At a hearing of the Energy and Natural Resources Committee last month, I actually asked Interior Secretary Jewell about the idea. Even she had to concede that speeding up the permits was something that they should be looking into.

This doesn't have to be a fight. We all agree there is too much of this gas that has been vented or burned off at the oil and gas wells. Republicans know it. Democrats know it. Energy producers know it. So why can't we agree to let the industry build the gathering lines to help them capture the gas where it makes sense and how it makes sense? Why do we need more Washington regulations that impose higher costs?

America's energy producers have increased production while reducing emissions. They have provided what may be the only bright spot in our economy over the past 7 years. We should be doing all that we can to help and to encourage them. We should be looking for voluntary, cost-effective ways to make sure that we can make American energy as clean as we can and as fast as we can without raising costs on American families. The Obama administration is going in the wrong direction.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOOMEY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO KYLE RUCKERT

Mr. VITTER. Mr. President, I rise today to honor my longest serving staff member, my chief of staff, campaign manager, and close friend Kyle Ruckert, who is departing the Senate at the end of this week to start an exciting new career. Kyle was one of my very first hires when I was first elected to the U.S. House of Representatives in 1999. He started as my legislative director in the House under the wonderful tutelage of my first chief of staff, Marty Driesler. And I know Kyle and I are both indebted to Marty, who is now unfortunately deceased, for getting us started on a wonderful footing in Congress. Then Kyle became my chief of staff upon Marty's retirement in 2002.

I guess I would sum up the bottom line in a very simple but important way: There has not been one moment during these 17 years when I have regretted placing my complete trust in

Kyle to lead our office and serve the people of Louisiana—not one. From day one, Kyle set the office standard of service to constituents and set it as a top priority. He established offices throughout the State. One of his most memorable decisions instituted a mobile office on wheels so that we could reach out to those hit hard by Hurricanes Gustav and Ike in 2008—folks who could not otherwise reach our permanent offices. I say ''memorable'' because for the staffers who actually had to man and woman that vehicle, it was an adventurous ride.

Of course, Kyle's leadership style and commitment to service comes from his wonderful parents, and I take a moment to thank his parents, John and Ellen Ruckert, who are with us in the Gallery and whom I have also come to know and respect.

I also think a big part of Kyle's commitment to serve others comes from his time at Jesuit High School in New Orleans, where the motto is ''Ad Majorem Dei Gloriam''—''For the Greater Glory of God''—and where all students are expected to accept the challenge of becoming a ''man for others'' as part of the Ignatius tradition. Kyle is probably one of the best ambassadors for Jesuits, and he even played a role in my son Jack going there. Go, Blue Jays.

In 2004, Kyle moved down to Louisiana to manage my first Senate campaign. He quickly earned the respect of national political prognosticators on the campaign side who quite frankly belittled our chances from the beginning. Kyle reacted to the conventional wisdom that we couldn't win a runoff against our so-called moderate Democratic opponent in a pretty straightforward way: He simply made sure we got more than 50 percent of the vote in the open primary, so we never went to a runoff. Problem solved. Kyle's discipline and strategic thinking are largely to thank for that win, and after that he immediately returned to manage our Senate office as chief of staff. Unfortunately, our first major test in the Senate was a tragic one. In 2005, Hurricane Katrina devastated Louisiana and was followed very shortly by Hurricane Rita. Constituent service, always a top priority, took on an even greater urgency and seriousness, and Kyle led our team to help, console, and serve all ''For the Greater Glory of God,'' acting as a ''man for others.''

Kyle led our staff managing an effective operation, first and foremost, assisting constituents on the ground, and in Congress, helping to put together emergency assistance legislation, making sure people in real need received what they absolutely needed. This was one of the most chaotic times for all of us from Louisiana, but Kyle was always calm and methodical, always steering the ship with a steady hand.

Kyle's leadership is contagious. His expectations are very high—be at work, get it over 100 percent, and get the job done. If that means working at night and on weekends, he would expect that out of everyone on the team and, unlike some other so-called leaders, he would be right there leading the way in that regard. Our staff has become stronger because of that leadership by example and that contagious work ethic.

Besides his calm, disciplined, methodical leadership style, Kyle's strongest attribute is his loyalty and trust he places in those he works with. He always encourages staff to take chances, to be bold in pushing new reforms, in negotiating amendment votes, in pushing important stories with the press. When staff would run ideas by him and ask him what he thought, he would say: If you think it is the right thing to do, go for it. Just don't—bleep—it up.

His leadership was tested again on the campaign side in our 2010 reelection race, where again the political commentators largely bet against us, and again Kyle made sure they were wrong in a big way. We won that race by 19 points. Since then I have had the real fortune of serving in leadership positions in the Senate, as the ranking Republican in the EPW Committee in 2013 and 2014 and currently as chair of the Small Business Committee.

Aside from our many legislative accomplishments under Kyle's leadership, what I am perhaps most proud of is the close-knit team we built together. We call it Team Vitter, and those are more than just words in our office. We both look at our staff as an extension of our immediate families. Certainly my wife Wendy and our kids and I definitely think of Kyle and his family as part of ours.

Kyle sets a gold standard for thinking of staff as family—for treating them that way. Perhaps, in part, because he married another one of my former staffers, Lynnel. Lynnel started working in my office on the House side early on in 2002. She worked there until 2004 and also joined that first winning Senate campaign. It is interesting, Kyle and Lynnel started dating secretly, not telling anyone in the office—certainly not me. I think they were first discovered when my first chief of staff, Marty Driesler, got a call from her daughter who had witnessed them being weekend tourists in Philadelphia together. Of course, I was still kept in the dark for months after that, even though Marty discovered their courtship.

Lynnel, too, always stressed constituent service and is a brilliant political strategist. They truly were meant for each other in all sorts of ways. Lynnel has continued her extremely successful career, most recently serving as chief of staff to House majority whip STEVE SCALISE.

In 2005, Kyle and Lynnel got married, and since then our office has had three other couples from Team Vitter get married. Perhaps there is more to those late work nights than I had imagined originally.

Kyle and Lynnel and their two kids, Jack, who is now 9, and Mary Kyle, who is now 6, are getting settled in Baton Rouge as part of a new, exciting chapter of their lives. It is going to be fun. We are going to miss them, but it is going to be fun to see this new chapter for Kyle and Lynnel and their family develop, especially when we get to see Kyle, as a New Orleans native and an avid Tulane Green Wave alumn, having to start wearing purple and gold around Baton Rouge at the urging of their son Jack.

Who knows, maybe he will even develop a superstition before LSU games. Something a lot of folks don't know about Kyle is he is incredibly superstitious—knock on wood. He will detour his Monday morning drive in New Orleans to pass by the Superdome if the Saints won on Sunday. He will sip the same type of bourbon for good luck or wear his lucky green polo if we need a win in sports, politically, or anything in between.

I will tell a quick story related to that about his green polo. On election day in 2004, Kyle was wearing a campaign T-shirt, but he wasn't going to be able to go to the polls that way to vote and do some poll watching, so he asked around the office if he could borrow a different shirt. Mac Abrams, who is now DEAN HELLER's chief of staff—and who was a key staff member in my office in my campaign at the time—loaned him his green polo. Well, we won that race big, and Kyle hasn't returned the green polo yet. He wears it every election day, although we are not sure if it is superstition or also because he is so darn cheap.

While Kyle will now be living in Louisiana, his impact will remain strong in our work and our office and our culture. He will be able to see it in legislation which helps Louisiana and the country, in thousands and thousands of constituents whom he and our team effectively reached out to, and in the great example he set for so many staffers and interns and others on our team.

So let me end really where I began, by paying him the highest compliment possible, repeating that there hasn't been one moment in these great 17 years where I regretted placing my complete trust in Kyle Ruckert to lead our team, to lead our office, to help lead us in serving the people of Louisiana—not one.

Kyle, thank you for your service to Louisiana, for the countless hours you have spent helping me, for the fun memories and laughs we have shared, and most importantly for your friendship. You truly are part of my family. I have the greatest confidence that you will continue on ''Ad Majorem Dei Gloriam''—''For the Greater Glory of God''—truly a ''man for others.''

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I may address the Senate as in morning business.

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

The Senator from Arizona

IMPRISONMENT OF NADIYA SAVCHENKO

Mr. MCCAIN. Mr. President, it has been 2 years since Nadiya Savchenko, the first female military pilot in post-Soviet Ukraine and an Iraq war veteran, was abducted from Ukrainian territory by pro-Russian separatists and smuggled across the border to Russia where she faces false charges and illegal imprisonment.

She is accused by Russia of having directed artillery fire that killed two Russian state television journalists in Eastern Ukraine in June of 2014 and then illegally crossing into Russian territory without proper paperwork. This is despite clear evidence provided by her lawyers that she was captured by separatists before this incident occurred and then hauled across the border in handcuffs with a sack over her head.

Following her capture, Nadiya has reportedly endured interrogations, solitary confinement, and was subjected to a psychiatric evaluation at the infamous Russian Serbsky Institute, where Soviet authorities were once known to torture political dissidents. Further media reports suggest that she is gravely ill and near death.

There are international laws that govern treatment of prisoners of war, but Russia continues to deny it is fighting a war in Ukraine and is therefore treating Nadiya as a common criminal. While there are also international laws that govern the treatment of common criminals, Russia has shown as much regard for those laws as for Ukraine's sovereignty or the rights of Russians such as Boris Nemtsov.

This is a picture of Nadiya standing trial in a cage. From her prison cell in Russia, Nadiya said:

> If I am found guilty, I will not appeal. I want the entire democratic world to understand that Russia is a Third World country with a totalitarian regime and a petty tyrant for a dictator and it spits on international law and human rights.

In her last appearance in court, Ms. Savchenko said:

> The trial proves the guilt of Russian authorities; they are to blame for seizing Ukrainian lands, capturing Crimea and starting a war in the Donbass region. They are to blame for trying to establish—through their foul undeclared wars all over the world—a totalitarian regime dominated by Russia.

She ended her court appearance by saying:

> Russia will return me to Ukraine yet. Whether I am dead or alive, it will return me.

Nadiya's captivity represents just the latest example of Russia's brazen aggression and disregard for the independence and territorial integrity of Ukraine.

Last summer another brave Ukrainian and film director from Crimea, Oleg Sentsov, faced a similar fate. A Russian court sentenced Mr. Sentsov to 20 years in prison based on charges that he was planning a terrorist attack against Russian forces after the peninsula was annexed by Russia. Despite strong evidence that Mr. Sentsov was innocent and despite international condemnation of his case, he remains in a Russian prison serving out his 20-year sentence. As Mr. Sentsov said in remarks following his sentence: ''A court of occupiers can never be just.''

Nadiya is just one of President Putin's countless victims. Her show trial—a throwback to the Stalinist Soviet era—is intended not to establish innocence or guilt, but to punish dissent, evoke fear, and remind citizens of what happens to people who dare defy the former KGB officer, Vladimir Putin.

Her trial illustrates just how far President Putin is willing to go to humiliate Ukraine for its pursuit of freedom and punish Ukrainians for refusing to accept its illegal occupation. It is just one more way that Putin is trying to bully free peoples and free nations into submission. He is sending the message that anyone who dares to challenge him will end up in a cage just like her—or worse.

Putin's efforts are failing. The Ukrainian people have shown that they will not be intimidated, they will not be silenced, and they will not give into fear. They have shown that they will continue to fight for a free and democratic future for Ukraine with or without the international support they need and deserve.

One of the more shameful chapters in American history will be the fact that we still refuse to give Ukrainians defensive weapons with which to defend themselves. This President has made a lot of grievous errors, but it is outrageous, as we watch Ukrainians slaughtered by Russian tanks, that we will not even give them the weapons to defend themselves.

The Ukrainian Government has urged Moscow to release Nadiya in accordance with the Minsk II agreement that provides for the release of all illegally held persons. International leaders have echoed this call, but her illegal imprisonment continues. It is time to move past meaningless condemnations and expressions of concern and respond to Putin's shameful and blatant breach of international law by sanctioning—I emphasize sanctioning—those responsible for the kidnapping and illegal, unjust imprisonment of Ms. Savchenko, as well as the officials involved in the fabrication of false charges against her.

A clear message must be sent to Moscow: Release Nadiya or face sanctions. Release her or face sanctions.

The United States has a critical role to play in the preservation of freedom and democracy throughout the world, and it is a role that we suppress at our own peril. I know this is not a popular cause in the United States right now, but nothing will relieve us of the responsibility to stand up for those whose fundamental human rights are being violated and to defend the values that America and our allies have sacrificed so much to preserve.

How we respond to each and every attempt by Putin to suppress democracy and freedom will have far-reaching repercussions. The United States and the entire international community must respond to this latest outrage in a way that demonstrates the inevitability of the values which Nadiya so clearly represents. Nadiya's fight—and that of all Ukrainians who rose up peacefully against tyranny in their quest for freedom—must also be the world's fight. We must continue to show Putin that he cannot halt the march to freedom and democracy. The Ukrainian people—and the Russian people, too—deserve no less.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CUBA

Mr. MENENDEZ. Mr. President, as the President prepares to go to Cuba, I rise in memory of all of those Cuban dissidents who have given their lives in the hope that Cuba one day would be free from the yoke of the Castro regime. It is that freedom I had hoped President Obama was referencing when he said:

> What I've said to the Cuban government is—if we're seeing more progress in the liberty and freedom and possibilities of ordinary Cubans, I'd love to use a visit as a way of highlighting that progress. . . . If we're going backwards, then there's not much reason for me to be there.

But that is obviously not the case, which is why the Boston Globe's headline on February 25 says it all: ''Obama Breaks Pledge, Will Visit Cuba Despite Worsening Human Rights.'' Instead of having the free world's leader honor Latin America's only dictatorship with a visit, he could have visited one of 150 countries that he has not visited, including several in Latin America that are democracies.

The President has negotiated a deal with the Castros—and I understand his desire to make this his legacy issue—but there is still a fundamental issue of freedom and democracy at stake that goes to the underlying atmosphere in Cuba and whether or not the Cuban people will still be repressed and still be imprisoned or will they benefit from the President's legacy or will it be the Castro regime that reaps those benefits?

Unless the Castros are compelled to change their dictatorship—the way they govern the island and the way they exploit its people—the answer to this won't be much different than the last 50-some-odd years. The Castro regime will be the beneficiary.

At the very least, the President's first stops should be meetings with internationally recognized dissidents: U.S. Presidential Medal of Freedom winner Dr. Oscar Elias Biscet and the European Union's Sakharov prize recipients Guillermo Farinas and Rosa Maria Paya, in respect for her murdered father, Oswaldo Paya, who was leading the Varela Project, advocating for civil liberties, and collecting thousands of signatures petitioning the Castro regime for democratic change—as permitted, by the way, under the Cuban Constitution. So threatening was his peaceful petition drive that he was assassinated by Castro security agents.

The President should meet with Berta Soler at her home, in her neighborhood, with the Ladies in White, and with dissidents and democracy advocates in Havana. That should be the front-page photograph we see next week. Only then will the message that the United States will not give in or give up on our commitment to a free and democratic Cuba be clear to the world and to the Cuban people.

To leave a truly honorable mark in history would mean the President leaving Castro's cordoned-off tourist zone and seeking Berta Soler and her Ladies in White at their headquarters in the Lawton neighborhood of Havana, where poverty, Castro-style—not opportunity, not freedom, not democracy but poverty created by a Stalinist state—is the umbrella under which they live.

The President should witness their bravery, listen to their stories, feel their despair, see the fear under which they live, and stand up with them and for them. If he did, he could learn of the story of Aliuska Gomez, one of the Ladies in White, who was arrested this past Sunday for marching peacefully.

Basically, the Ladies in White dress in white as a form of a symbol. They march with a gladiolus to church every Sunday in protest for their sons and husbands who are arrested simply for their political dissent, and they are beaten savagely—savagely.

The President could learn of the story of Aliuska Gomez, one of the Ladies in White, who was arrested this past Sunday for marching peacefully. I am reading from an article in Diario de Cuba where she told her story:

> ''We were subjected to a lot of violence today,'' said Aliuska Gomez. ''Many of us were dragged and beaten,'' she added, pointing out that this has taken place only one week before President Obama's visit. Aliuska related how she was taken to a police station in Marianao where she was forcibly undressed by several uniformed officers in plain view of some males. . . . ''After they had taken away all of my belongings,'' she said, ''they told me to strip naked, and I refused, so they threw me down on the floor and took off all of my clothing, right in front of two men, and they dragged me completely naked into a jail cell.'' Aliuska was then handcuffed and thrown on the cell's floor naked and left alone.

Or how about the young Cuban dissident who met with Ben Rhodes and was arrested in Havana. This is from a report dated March 14:

> Yesterday the Castro regime arrested Carlos Amel Oliva, head of the youth wing of the Cuban Patriotic Union, a major dissident organization. He is being accused of antisocial behavior. On Friday, Amel Oliva had participated in a meeting in Miami with Ben Rhodes, President Obama's Deputy National Security Advisor. He returned to Havana on Sunday.

I guess that is what Raul Castro thinks and does to those who meet with the President's Deputy National Security Advisor.

Notwithstanding their true stories and the stories of thousands like them, the President first announced sweeping changes to America's strategic approach to the Castro regime in December 2014. In broad strokes, we learned of the forthcoming reestablishment of diplomatic relations—an exchange of symbols, with the American flag flying over a U.S. Embassy in Havana and the Cuban flag flying over a Cuban Embassy in Washington. We learned about the process by which Cuba's designation as a state sponsor of terrorism would be lifted. We learned about the forthcoming transformative effects of a unilateral easing of sanctions to increase travel, commerce, and currency.

But for those of us who understand this regime, we cautioned for nuance and urged against those broad strokes. We asked that the administration at least require the Castros to reciprocate with certain concessions of their own, which would be as good for U.S. national interests as for the Cuban people and for U.S.-Cuba relations.

For example, before the President ever traveled to Burma—a country with notorious human rights abuses and with which this administration began to engage—the United States first demanded and received action by the Burmese to address their human rights record. To be sure, the Burmese Government agreed to meet nearly a dozen benchmarks—a dozen benchmarks—as a part of this action-for-action engagement, including granting the Red Cross access to prisons, establishing a U.N. High Commissioner for Human Rights office, release of political prisoners, conclusion of a cease-fire in Kachin State, and ensuring international access to conflict areas.

We asked, as the President's Cuban policy unfolded, that they push for changes that put Cubans in control of their own future, their political process, economic opportunities, civil society, and governance. We didn't get a single one.

We asked for changes that would honor America's legacy as a champion for human rights. We didn't get those either.

We suggested changes that would ultimately bring Cuba into the community of nations, contributing to, rather than detracting from, the overall prosperity of the hemisphere. And there were none.

Most importantly, we asked that they remember that it is a lack of resources, not a change of heart, that slowed the Castros' adventurism and instability-inducing support for those who would pose threats to our national interests within the Western Hemisphere.

In essence, we were thinking strategically. Instead, we traded strategy for tactics. Leading Cuban human rights and democracy activists have criticized U.S. policies—those languishing inside of Cuba who risk their lives and their liberty every day.

The simple truth is that deals with the Devil require the Devil to deal. Opening channels of communications controlled by the regime means nothing unless we are going to communicate our values. It means nothing if we do not champion the material changes the Cuban people seek. It means nothing if we do not speak the language the Castros understand—that the Communist revolution has failed miserably and it is time to let the Cuban people decide their future.

The Castros know it, but it is the antiquated hallmark of the revolution and the iron-fisted rule that came from it that keeps them in power. We talk about being in the past. Well, that is in the past, but no one challenges that past. Until that power is truly challenged, we can expect to witness the further weakening of our leverage on behalf of democracy and human rights.

In the meantime, the regime is already moving forward, already breathing new life into its existing repressive state systems. Cubans are being beaten, arrested, and otherwise muzzled at higher rates—higher rates—than ever before. The Cuban Commission for Human Rights, which is within Cuba, has documented 1,141 political arrests by the Castro regime in Cuba during the short month of February 2016. In January 2016 the commission documented 1,447 political arrests. As such, these 2,588 political arrests in the first 2½ months of this year represent the highest tally to begin a year in decades. This is what happens when President Obama first announces he will not visit Cuba until there are tangible improvements in the respect for human rights, and then he crosses his own red lines—nearly 2,600 arrests in 2½ months, and these are only political arrests that have been thoroughly documented. Many more are suspected.

U.S. fugitives and members of foreign terrorist organizations, such as Joanne Chesimard, the convicted killer of New Jersey State Trooper Werner Foerster, or Charlie Hill, who killed New Mexico State Trooper Robert Rosenbloom, still enjoy safe harbor on the island. Not a penny of the $6 billion in outstanding

claims by American citizens and businesses for properties confiscated by the Castros has been repaid.

Unrelenting censorship and oppression of Cuban journalists continues unscathed, and the Cuban path to liberty doesn't even include the U.S. Embassy.

So what do we learn? We learn that, despite the Obama administration's engagement with the Castro dictatorship and increased travel to the island, repression on the island is rising exponentially. Why? Because the Castro regime, one of the most astute observers of the American political system, is rushing to take advantage of the permissive environment created by the President's hunger for legacy and the relaxation of restrictions. But legacy is not more important than lives.

For years we have heard how an improvement in U.S.-Cuba relations, an easing of sanctions, and an increase in travel to the island would benefit the Cuban people—a benefit not realized despite the visits and investments of millions of Europeans, Canadians, Mexicans, and South Americans. There is not one iota of better life or greater democracy for the Cuban people. These assumptions are wrong. And since December 17, 2014, the President has engaged the regime, offering unilateral concessions that the Castros are more than happy to accept. If that is not enough for us to at least question our Cuba policy, we are now facing an unfolding Cuban migration crisis.

The United States is faced with the largest migration of Cuban immigrants since the rafters of 1994. The number of Cubans entering the United States in 2015 was nearly twice that of 2014—some 51,000—and tens of thousands more are desperately trying to make the journey via South and Central America. I ask: Why would Cubans flee if the promise of a better life in Cuba is just on the horizon? When President Obama took office, those numbers were less than 7,000 annually—51,000.

We hear that ''self-employment,'' such as it is in Cuba, is growing. But the number of ''self-employed'' workers in Cuba has actually decreased. The Cuban government today is licensing 10,000 fewer ''self-employed'' workers than it did in 2014. In contrast, Castro's military monopolies are expanding at record pace. Even the limited spaces in which ''self-employed'' workers previously operated are being squeezed as the Cuban military expands its control of the island's travel, retail, and financial sectors of the economy.

While speaking recently to a business gathering in Washington, here in the Nation's Capital, President Obama argued how he believes this new policy is ''creating the environment in which a generational change and transition will take place in [Cuba].'' But the key question is, A ''generational change and transition'' toward what and by whom?

Cuban democracy leader, Antonio Rodiles, has concisely expressed this concern. He said ''legitimizing the [Castro] regime is the path contrary to a transition.''

CNN has revealed that the Cuban delegation in the secret talks that began in mid-2013 with U.S. officials in Ottawa, Toronto, and Rome, and which led to the December 17 policy announcement, were headed by Colonel Alejandro Castro Espin. Colonel Castro Espin is the 49-year-old son of Cuban dictator Raul Castro.

In both face-to-face meetings between President Obama and Raul Castro this year—first at April's Summit of the Americas in Panama City and just recently at the United Nation's General Assembly in New York—Alejandro was seated, with a wide grin, next to his father. Alejandro holds the rank of colonel in Cuba's Ministry of the Interior, with his hand on the pulse and trigger of the island's intelligence services and repressive ordinances. It is no secret that Raul Castro is grooming Alejandro for a position of power.

Sadly, his role as interlocutor with the Obama administration seeks to further their goal of an intrafamily generational transition within the Castro clan, similar to the Assads in Syria and the Kims in North Korea. And we know how well those have worked out.

To give an idea of how Colonel Alejandro Castro views the United States, he has described its leaders as ''those who seek to subjugate humanity to satisfy their interests and hegemonic goals.'' This is who is being readied to be the next leader of Cuba, with whom we have been negotiating.

Of course, it also takes money to run a totalitarian dictatorship, which is why Raul Castro named his son-in-law, General Luis Alberto Rodriguez Lopez Callejas, as head of GAESA, which stands for Grupo de Administracion Empresarial S.A., or translated, Business Administrative Group.

GAESA is the holding company of Cuba's Ministry of the Revolutionary Armed Forces, Cuba's military. It is the dominant driving force of the island's economy. Established in the 1990s by Raul Castro, it controls tourism companies, ranging from the very profitable Gaviota S.A., which runs Cuba's hotels, restaurants, car rentals, and nightclubs, to TRD Caribe S.A., which runs the island's retail stores. GAESA controls virtually all economic transactions in Cuba.

According to Hotels Magazine, a leading industry publication, GAESA—through its subsidiaries—is by far the largest regional hotel conglomerate in Latin America. It controls more hotel rooms than the Walt Disney Company.

As McClatchy News explained a few years back:

> Tourists who sleep in some of Cuba's hotels, drive rental cars, fill up their gas tanks, and even those riding in taxis have something in common: They are contributing to the [Cuban] Revolutionary Armed Forces' bottom line.

In essence, Cuba's military and its repressive system.

GAESA became this business powerhouse, thanks to the millions of Canadians and European tourists that have and continue to visit Cuba each year. The Cuban military-owned tourism company, Gaviota Tourism Group S.A., averaged 12 percent growth in 2015 and expects to double its hotel business this year.

These tourists have done absolutely nothing to promote freedom and democracy in Cuba. To the contrary, they have directly financed a system of control and repression over the Cuban people, all while enjoying cigars by Cuban workers paid in worthless pesos and having a Cuba Libre, which is an oxymoron, on the beaches Varadero. Yet, despite the clear evidence, President Obama wants American tourists to now double GAESA's bonanza and, through GAESA, strengthen the regime.

An insightful report by Bloomberg Business also explained:

> [Raul's son-in-law, General Rodriguez] is the gatekeeper for most foreign investors, requiring them to do business with his organization if they wish to set up shop on the island. If and when the U.S. finally removes its half-century embargo on Cuba, it will be this man who decides which investors get the best deals.

Again, he is part of the Cuban military. So this is not about people to people. This is about us helping the very entities that help fund the Cuban military and security agencies. In other words, all of the talking points about how lifting the embargo and tourism restrictions would somehow benefit the Cuban people are empty and misleading rhetoric.

In addition, Internet ''connectivity ranking'' has dropped in Cuba. The International Telecommunication Union's ''Measuring the Information Society Report'' for 2015, the most reliable source of data and analysis on global access to information and communication, dropped Cuba's ranking to 129, down from 119. Cuba fares much worse than some of the world's most infamous suppressors, including Syria, Iran, China, and Venezuela—worse.

In Cuba, religious freedom violations have also increased. According to the London-based NGO, Christian Solidarity Worldwide, last year, 2,000 churches in Cuba were declared illegal and 100 were designated for demolition by the Castro regime. Altogether, they documented 2,300 separate violations of religious freedom in 2015, compared to 220 in 2014—2,300 versus 220. So religious oppression is on the rise. And if that is not enough, Castro reneged on the release of political prisoners and visits by international monitors. Most of the 53 political prisoners released in the months prior and after the President's December 2014 announcement have since been rearrested on multiple occasions. Five have been handed new long-term prison sentences. Meanwhile, Human Rights Watch noted in its new 2016 report that ''Cuba has yet to allow visits to the island by the International Committee of the Red Cross or by the United Nations human

rights monitors, as stipulated in the December 2014 agreement with the United States.''

These were the conditions that prompted Congress, over the course of our long history with Cuba, to pass successive laws to build on—not detract from—Executive orders that created the embargo. So I stand with thousands of Cuba's civil society leaders, dissidents, journalists and everyday men and women who long for the day when the freedom we enjoy in our great country extends to theirs. As long as I have a voice, they will have an ally to speak truth to power against this dictatorship and against any effort to legitimize it or reward it.

We must realize the nature of the Castro regime will not be altered by capitulating on our demands for basic human and civil rights. If the United States is to give away its leverage, it should be in exchange for one thing, and one thing only: a true transition in Cuba.

Finally, as for the latest announcements from the administration, I stand against any rollback of the statutory provisions that codify Cuba sanctions. We learned this week that the administration has cleared the way for individual travel to Cuba outside the auspices of a group or organization, and that is tourism, plain and simple.

We learned this week that the administration has cleared the way for Cubans—athletes, artists, performers, and others—to earn salaries in the United States, which, in and of itself would be a good thing, except that, unfortunately, much if not all of those salaries will go back to the regime, as they must pay the regime most of what they make abroad.

We learned that Americans may purchase Cuban-origin products and services in third countries—cigars, alcohol, and basic products produced by a system of slave labor that funnels proceeds to one place: the regime's pockets.

When it comes to banking and financial services, we will now permit the U.S. financial system to facilitate the flow of these and other proceeds directly to the regime. The administration will allow the Cuban Government, which profits from the sale of intelligence—as when they had our Hellfire missile—to export Cuban-origin software to the United States. Never mind that the Cuban Government aggressively monitors the Internet activity of Cuban dissidents and sensors users on the island. And then we are going to permit direct shipping by Cuban vessels. These ''significant amendments'' to the Cuban Assets Control Regulations and the Export Administration Regulations, cornerstones of implementation of United States sanctions against the Castro regime announced on Tuesday, create new opportunities for abuse of permitted travel. They authorize trade and commerce with Castro monopolies and permit the regime to use U.S. dollars to conduct its business. They are unilateral concessions, requiring no changes from the Castro regime to the political and economic system under which the Castros exploit lives and labor of Cuban nationals.

In a meeting late last week, I warned officials at the Department of Treasury that these changes ''come up to the line and in some cases cross it,'' with respect to statutory authority. Their actions are inconsistent with existing statutes and incompatible with the intent of Congress as expressed through those statutes. I should know, as I was one of the authors of the Libertad Act when I served in the House of Representatives.

In my view, at the end of the day, this is a unilateral transfer of the little remaining leverage that the administration hadn't given away prior to this week's announcement. With these steps, I believe Commerce and Treasury have set the stage for legal action against the administration. Congress has authorized categories of travel to Cuba, but none of these categories were tourism or commerce for commerce's sake with the regime. The President has said his Cuba policy ''helps promote the people's independence from Cuban authorities,'' but it is clear that it does not. Yet, this week, in what would seem to contravene not only the letter but the spirit of the law, the administration will reportedly allow the regime to use U.S. dollars in international financial transactions and a U.S. hotel company to partner with a Cuban military conglomerate run by the Castro family.

Let's be clear. It is not the Cuban people who are eager and willing to shuffle dollars through BNP Paribas, INB Group, or HSBC Bank; only the regime is willing and eager to do so.

As for the reports that Starwood-Marriott is looking for an arrangement with the regime, with the blessing of the administration, it would be an agreement with a subsidiary of GAESA, the Cuban military conglomerate run by Raul Castro's son-in-law, General Luis Alberto Rodriguez Lopez-Callejas. So how does that help the Cuban people when you are working and helping the regime? It would be an agreement to manage a hotel for the Cuban military. Among those considered is Havana's swanky hotel Saratoga, which has been confiscated twice by the Castro regime—an agreement by which employees are also hired by the regime's state employment agency instead of directly by a company, in violation of international labor laws.

So I ask, how does allowing U.S. companies to do business with the regime, let alone the Castro family itself, ''promote the Cuban people's independence from the authorities,'' as the President has said?

This breathes new life into the Castro's repressive state systems, and that new life means one thing: The repressive system will continue without changes.

Next week, when we anticipate we will see a photograph of the President of the United States laughing and shaking hands with the only dictator in the Western Hemisphere, I will be thinking of Berta Soler of the Ladies in White and her fellow human rights and democracy advocates. She testified before Congress last year and said: ''Our demands are quite concrete; freedom for political prisoners, recognition of civil society, the elimination of criminal dispositions that penalize freedom of expression and association and the right of the Cuban people to choose their future through free, multiparty elections.'' It is not an overwhelming ask. What American would be willing to not have those basic fundamental freedoms?

What are we willing to do to impose on another country—to say: We will deal with you even though you repress your people and deny them those freedoms.

Those are the words of freedom Berta Soler spoke on her behalf and all of those who risk their lives and liberty every day inside of Cuba to create that possibility. That is the legacy we should work toward until the Cuban people are finally freed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF MERRICK GARLAND

Mr. DURBIN. Mr. President, early this morning I got a telephone call from a White House staffer who told me that the President was going to announce his choice to fill the vacancy on the U.S. Supreme Court occasioned by the passing of Antonin Scalia. This morning I was invited to the Rose Garden to witness that ceremony, and I thought it was one of the President's best deliveries of a message to the American people about a critically important issue.

I applaud President Obama for his nomination of Chief Judge Merrick Garland to serve on the U.S. Supreme Court. No one questions that Judge Garland is an outstanding attorney and has been an exceptional judge during his 19 years on the DC Circuit Court. No one questions his qualifications and experience to serve with distinction on the Supreme Court. I congratulate him, his wife Lynn, whom I just met, and his daughters, Becky and Jessie, on this nomination.

Judge Garland is a proud son of Illinois. He is the grandson of immigrants who fled anti-Semitic persecution. He was born in Chicago to parents who ran a small business and volunteered in their community. He graduated at the top of his class from Niles West High School, received his undergraduate law degree from Harvard, and clerked for the legendary Judge Henry Friendly of the Second Circuit and Justice William Brennan of the U.S. Supreme Court. He has an incredible legal resume. He served in the Justice Department and worked in private practice before he was nominated to the DC Circuit Court.

Today President Obama told the story of how Merrick Garland in the

U.S. Department of Justice was sent down after the Oklahoma City bombing to handle the prosecution and how he carefully, deftly, and professionally handled that prosecution in a way that it would stick and it wouldn't be overturned because of legal mistakes. He personally felt an attachment and obligation to the victims and their families, and he carried with him the memorial service bulletin that was given out with the names of each one of the victims. He brought it with him to the courtroom each day. He is that kind of person—a prosecutor but with empathy to the victims and a determination to make sure he followed the law. He did.

President Obama has fulfilled his constitutional responsibility, and now the Senate must do the same. Article II, section 2, of the Constitution provides the requirement that the President shall appoint a nominee to fill a vacancy on the U.S. Supreme Court, and the President did that today.

That same section of the Constitution goes on to say that it is the responsibility of the Senate—this Senate—to advise and consent to that nominee. There is no requirement that we approve the President's nominee. He wants us to. I hope we do. But what it says is we have a responsibility under the Constitution—the same Constitution we swore to uphold and defend.

So the President is using his authority and constitutional responsibility by naming Merrick Garland. Now what will happen? The Republican leadership in the Senate has said: End of story; we are not going to do anything. Some Senators have gone so far as to say they will not even meet with this man, will not even meet with the President's nominee for the Supreme Court. In the history of the United States of America, there has never—underline ''never''—been a situation where the President sent a nominee to the Supreme Court to the Senate and there was not a hearing. Never. And now the Republican majority here has said: Ignore history. Ignore the Constitution. We are not going to let this President fill this vacancy.

Their argument is this: Let the American people decide. There is an election coming. It will be in November. Let them pick a President, who will then choose that Supreme Court nominee.

Well, that is an interesting approach. It might make some sense had President Barack Obama been reelected in 2012 to a term of 3 years and 2 months. He was reelected to a 4-year term by a 5 million-vote plurality. He is the President. And to argue that in his last year in office, he should have no authority or power in the Constitution to exercise what is required of him is to ignore the obvious.

By what right do we, in the closing year of a Senator's term, vote on the floor of the Senate if we are disqualified from making important decisions in our last year in office in each term? It is a ludicrous position, a ridiculous position. It is a position which I find offensive.

This system of government gives to the American people the last word about who the President will be. There have been times when I have applauded that decision and times when I didn't. But if you are respectful of this Constitution and this government, then you follow the will of the people of this great Nation, and they made a decision by a plurality of 5 million votes that Barack Obama would have this power for 4 years, until January of 2017. So the President has sent this name, and now it is up to the Senate.

The Judiciary Committee plays an important role in this decision, and I am honored to serve on it. In 2001, then-chairman of the committee PATRICK LEAHY, Democrat of Vermont, joined with Ranking Republican Member ORRIN HATCH of Utah and they sent a letter to the Senate about this issue of filling Supreme Court vacancies—a bipartisan letter, LEAHY and HATCH. Here is what it said: We both recognize and have every intention of following the practices and precedents of the committee and the Senate when considering Supreme Court nominees.

We should hold a hearing without delay. If this letter was the case 15 years ago and Senator HATCH, who was then the ranking Republican, joined with Senator LEAHY, the Democratic chairman, what has changed? The only thing that has changed is we have a President named Barack Obama.

You see, in 1987 there was a vacancy on the Supreme Court. Ronald Reagan was President. In 1988 he sent the name Anthony Kennedy to this Chamber to fill a vacancy on the Supreme Court. The Senate at that time was under the control of the Democrats. Ronald Reagan, a Republican President, sent his nominee to the Democratic Senate, and what happened? Did they announce: We are not going to fill this; we will wait until after the election. No, no. The Democratic-controlled Senate held a hearing for Anthony Kennedy, brought him up for a vote, and passed him unanimously to serve on the U.S. Supreme Court. Now look at what we are facing—Republican colleagues who refuse to do their job under the Constitution. For what reason? Obviously for political reasons.

My Republican colleagues say they are standing behind a principle that the President should not get to name the Supreme Court Justice in his final year. That principle has no history, no precedent, and is virtually impossible to defend.

I would suggest a different principle to my Republican colleagues. Since Judge Merrick Garland is unquestionably qualified and you clearly would vote to confirm him under the next President, why wait? Why not vote to confirm him under this President? Failing to fill this vacancy on the Supreme Court means there will be over 1 year from the death of Justice Antonin Scalia until a successor is chosen. The only time in history when the Senate left a vacancy on the Supreme Court for that period of time—1 year or more—was during the Civil War when we were literally at war with one another in the United States. If that is the only time that ever happened, there is no excuse for us to let it happen again at this moment in our history.

To my friends on the Republican side of the aisle, do your job. Fill this vacancy. Meet your constitutional responsibility.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. President, on Friday the Department of Education released its latest proposals for new regulations on borrower relief when a school engages in unfair, deceptive, or abusive conduct. The proposals will be debated this week at the third negotiated rulemaking session as part of the formal rulemaking process.

I want to speak about one of the issues addressed in the latest proposal from the Department of Education—the use of mandatory arbitration in enrollment contracts by institutions of higher education. These clauses, which for-profit colleges and universities often bury in fine print, prevent students from bringing suit against a school in court as an individual and often as part of a class action. It means, for example, that if a student applying to a school is deceived and misled by that school as to the degree they will receive or the job they will qualify for, they can't bring a legal action in court against the school. Instead, the student is forced into a secret proceeding where the deck is stacked against him. It allows schools to avoid accountability for their misconduct and prevents misconduct from coming to the attention of Federal regulators.

While nearly unheard of in not-for-profit institutions—think about public universities and private, not-for-profit colleges—mandatory arbitration has now become virtually standard in for-profit colleges and is used by all of the majors, such as the University of Phoenix, ITT Tech, and DeVry University, just to name a few. It was also used by Corinthian. Corinthian, another for-profit college, made sure that if their students signed up for a contract with the school, they signed this arbitration clause which eliminated the student's day in court.

I was pleased when the Department, in its latest proposal for current rulemaking, included an option for banning the use of mandatory arbitration by all institutions receiving Federal title IV dollars. I thank the Department for including it in its proposal.

I also want to take a moment to discuss ITT Tech. ITT Tech is another for-profit college that is under scrutiny by Federal and State regulators. Last year the Department of Education found that the company, ITT, failed to meet its fiduciary duty to the Department and failed to meet the standards

of administrative capability required of institutions under title IV, and they placed restrictions on ITT. The Department then required ITT Tech to pay nearly $80 million to be kept in escrow to guard against the potential collapse of this for-profit school. The company is under investigation by 18 State attorneys general related to deceptive marketing. This is deceptive marketing of college students who are being misled into signing expensive tuition contracts with this school.

The New Mexico attorney general found that ITT Tech placed students into loans without the knowledge of the students, falsely stated the number of credits a student had to take in order to push them into more debt, failed to issue refunds of tuition and fees in compliance with Federal law, and a variety of other deceptive practices. If that wasn't enough, the Consumer Financial Protection Bureau is also suing the company for predatory lending.

This is the exploitation of college students. This is piling up debt.

We have to frequently remind ourselves of the basics. Ten percent of the students in college are in for-profit colleges and universities. Among those are the University of Phoenix, DeVry, Kaplan, and ITT Tech. Out of that 10 percent, 40 percent of all student loan defaults are from students in the for-profit colleges and universities.

How is it that 10 percent of the students in for-profit schools account for 40 percent of all student loan defaults?

First, the students go too deep in debt. These for-profit schools are way too expensive. Second, when the students can't keep up with the debt they are accumulating, they drop out, and when they drop out, it is the worst of both worlds. They don't even have a diploma from the for-profit school, and they still have a debt. Third, if they hang around long enough and finish and get a diploma from these for-profit schools, they find out many times they are worthless. Forty percent of the loan defaults are from students who attended for-profit colleges and universities. These schools are coercing students into high-cost loans with interest rates as high as 16 percent and more, and they misrepresent future job prospects to them.

Finally, the Securities and Exchange Commission is suing the company, ITT, and two of its executives, Kevin Modany, its CEO, and Daniel Fitzpatrick, its CFO, personally for concealing the poor performance of private institutional student loans from investors.

Behind all of this scrutiny by Federal and State regulators are students who have been harmed irreparably. According to a recent Brookings study, ITT Tech students cumulatively owe more than $4.6 billion in Federal student loans.

How much is being paid back on this cumulative debt? According to the study, negative 1 percent of the balance has been repaid in 2014. What does it mean? How can it be a negative number? Simple—the interest on this accumulative debt is occurring faster than it can be paid off by the students. Individual students often have no chance of paying back this personal debt when they have taken out a loan and end up with a worthless degree from ITT Tech.

What responsibility do we have as a government when it comes to these schools that are deceiving students, dragging them into debt, and then watching as they default? We have a major responsibility. For-profit colleges and universities are the most heavily subsidized private businesses in America today. We have all heard the term ''crony capitalism.'' It couldn't apply more aptly to for-profit colleges and universities. Most of their revenues don't come from students and families—only indirectly. Most of their revenue comes through the Federal Treasury in the form of government loans that end up in the pockets of the owners of these for-profit colleges and universities.

More than half the students who left ITT in 2009 are in default on their student loans 5 years later—half.

One former student of ITT Tech is Marcus Willis from Illinois. He was aggressively recruited by ITT Tech with multiple phone calls each day. He finally signed up for classes. He graduated in 2003 from ITT Tech and spent months unable to find a job. When talking about his debt, Marcus said:

> It's too much to even keep track of. I will never, ever be able to pay it back.

He said that he ''wouldn't wish ITT Tech on his worst enemy.''

Despite all the lawsuits, the scandal, and students like Marcus, January was a big month for ITT Tech executives Kevin Modany and Daniel Fitzpatrick. They both got big bonus checks. Modany received $515,000 and Fitzpatrick received $112,000. They can expect more. In 2014, Mr. Modany was paid more than $3 million. These are the same two who the SEC says violated numerous Federal securities laws in a fraudulent scheme to hide information from investors. But ITT Tech's board looks the other way. Instead of penalizing or dismissing them, they give them a bonus. ITT Tech investors have a right to be outraged.

Current and former ITT Tech students are also outraged. The Federal taxpayers should be outraged too. You see, ITT Tech receives 80 percent of its revenue from Federal student aid funds. Nearly $1 billion a year comes from the Federal Treasury, and even more than that when you count the money they take in from VA, GI bills, and the Department of Defense tuition assistance funding.

Recently, I sent a letter to ITT Tech's accreditor, the Accrediting Council for Independent Colleges and Schools, asking them what steps they were going to take to respond to this company's misconduct and shaky financial situation. They responded last week that they have required ITT Tech to submit teach-out plans to ensure that students can continue their education at other institutions should the company fail. Incidentally, the other institutions are probably going to be more for-profit schools. So they transfer the kids from one failing for-profit to another questionable for-profit college.

They also told me that they will assess ITT Tech's financial stability, education quality, and program integrity when they get together in April.

I encourage the council which accredited Corinthian, which is now out of business, to make sure they take a hard look at ITT Tech. The writing is on the wall. There are reports that the University of Akron may be interested in buying this questionable college. I will be watching this development carefully to ensure that any potential transaction is in the best interest of students, their families, and taxpayers.

MENTAL HEALTH ON CAMPUS IMPROVEMENT ACT

Mr. President, mental health conditions affect one out of five American adults. Yet this disease continues to be stigmatized, undertreated, and reduced to second-class status when it comes to certain health care benefits. Just like any other physical health disease, mental health conditions require a dedicated treatment plan and support for full recovery.

I still remember years ago, when Paul Wellstone, who used to sit right back there, and Pete Domenici, who sat over there, were in the Senate. Paul Wellstone of Minnesota, was a Democrat, and Pete Domenici of New Mexico was a Republican—what an unlikely pair. They came together because each of them had family experiences with mental health. What they tried to do—and successfully did—was to include in all of our health insurance plans coverage for mental health counseling as well as substance abuse treatment. It became standard. When we passed ObamaCare, the Affordable Care Act, it was built into health insurance policies. I have heard Members stand here and say: I am getting rid of ObamaCare. We are going to vote against it and make that go away. When they say that, we need to ask them: Will the coverage for mental health conditions go away too? How about the coverage for substance abuse treatment, will that coverage go away too?

This change made a big difference. It was a huge step in the right direction to expand access to mental counseling. We have to further eliminate barriers to treatment.

Last week, the Senate passed the Comprehensive Addiction and Recovery Act, authorizing several important programs to help people deal with mental health and substance abuse issues. I supported it because it was a step in the right direction. We know that approximately 44 million Americans experience some sort of brain health or mental illness issue during the year,

and millions don't receive treatment or support. This need for mental health services is especially dire with one group of Americans.

How often in your life experience have you noticed a young man or woman go off to college and for the first time ever manifest some serious mental health issues? I have seen it with frequency, and I know that many schools struggle with it.

Studies have shown that one-half of all chronic mental illness begins by age 14 and three-fourths by age 24. College students can face stress in new academic surroundings and new social environments. Many of them are away from home for the first time, and mental health concerns start to manifest. Despite this, colleges and universities have limited resources to deal with it. The ratio of counselors to students far exceeds recommended levels, preventing colleges and universities from identifying the most at-risk students.

Right now, we are seeing a huge disparity between reported mental health needs and services being provided. In one nationwide study, 57 percent of students reported having felt overwhelming anxiety, 35 percent felt so depressed it was difficult to function, and 48 percent felt hopeless. Now, I remember some bad nights and bad mornings when facing a tough test, but we are talking about young people who have gone beyond that. They are facing some serious personal challenges.

Only 10 percent of enrolled students seek any kind of counseling. This means that too many are slipping through the cracks and too many are not receiving treatment for mental illness. This can have tragic results.

While millions of Americans suffer from serious mental illness, a very small statistical group engages in violence against themselves or others. We have examples of what happens when someone dealing with mental illness becomes violent. There was a horrific tragedy in 2008 on the campus of Northern Illinois University in DeKalb. Six people died in a school shooting as a result of someone suffering from mental illness. Their families were changed forever, and so was the campus.

Not all mental health emergencies grab national headlines. Suicide is the second leading cause of death among Americans aged 15 to 34. We can't ignore the silent suffering of millions of Americans, including many young people. That is why I have joined with Senator SUSAN COLLINS, a Republican of Maine, and Senator MICHAEL BENNET, a Democrat of Colorado, to introduce bipartisan legislation to improve mental health services on college campuses, expanding outreach and counseling and tackling the mental health illness stigma. I am happy to partner with Congresswoman JAN SCHAKOWSKY of Illinois in introducing this legislation.

Our bill, the Mental Health on Campus Improvement Act, will support colleges and universities by giving them resources to better support the mental health needs of their students. It establishes a grant program to provide direct mental health services and outreach. Our bill will also increase awareness and treatment by promoting peer support training and engagement with campus groups. It launches a national education campaign to reduce the stigma, encourage identification of risk, and enhance the conversation about mental health and seeking help.

This bill is sponsored by the American Foundation for Suicide Prevention, the American Psychology Association, the National Alliance on Mental Illness of Chicago, and the American College Health Association, among others.

This morning this legislation was adopted by a voice vote as an amendment to the Cassidy-Murphy Mental Health Reform Act in the HELP Committee.

I thank Senators COLLINS and BENNET for their efforts to advance the bill. I also thank Senators CASSIDY, MURPHY, MURRAY, and ALEXANDER for working with us to ensure this important provision was included in the larger bill.

I look forward to working with my colleagues on this bipartisan measure. I also know there is a lot of interest in addressing barriers to treatment in Medicaid, known as the IMD exclusion, which is under the Finance Committee's jurisdiction. I will continue to push a bill that I cosponsored with Senator KING of Maine, the Medicaid Care Act, which expands access to treatment and coverage.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ACCOUNTABILITY WITHIN THE NIGERIAN MILITARY

Mr. LEAHY. Mr. President, nearly a year ago when Muhammadu Buhari became the first Nigerian to defeat a sitting President through the ballot box, I greeted the news with cautious optimism. For the most part, his message was and remains one that encourages greater cooperation between the United States and Nigeria to defeat Boko Haram and chart a brighter course for Africa's most populous nation.

Recent attacks by Boko Haram have served as a sobering reminder of the challenges Nigeria continues to face, and I have supported every initiative by the Obama administration to counter this scourge. Through my role as ranking member on the Department of State and Foreign Operations Appropriations Subcommittee, I have also supported hundreds of millions of dollars in foreign aid for Nigeria annually, particularly for public health activities.

But words and money only go so far. While President Buhari has taken positive steps to combat corruption and his government has shown more interest than his predecessor in addressing the development challenges in the north, reports of human rights abuses by the Nigerian military continue to undermine the government's reputation and effectiveness. Unfortunately, this is nothing new. And although President Buhari has taken some initial steps to reform the military, far more needs to be done when it comes to accountability for such crimes.

I want to highlight an incident which, although tragic, provides an important opportunity for President Buhari to begin to reverse the long history of impunity within Nigeria's security forces. According to credible reports, on December 12, 2015, a convoy that was transporting Nigeria's chief of army staff was unable to bypass a gathering orchestrated by the Islamic Movement of Nigeria in Zaria, and the ensuing clashes resulted in as many as 300 civilians killed and many others detained. According to information I have received, many of the bodies were quickly buried by soldiers without the permission of family members, making it difficult to determine the death toll, but also making it hard for victims' families to know who had been killed and who had been taken into custody. The Kaduna State government subsequently established a judicial commission of inquiry to investigate the incident, a positive first step, and it is expected to complete its work sometime this month.

Serious questions, however, have been raised about the impartiality of the commission. While I understand that the inquiry is being conducted at the state level, it has national implications. The fact that President Buhari has said little about this situation—noting only that it is ''a military affair''—is worrisome given the potential for wide-ranging implications and the commitments he made during his inaugural speech to ensure discipline for ''human rights violators in the armed forces.''

I hope the Buhari administration fully supports the Kaduna State government judicial commission of inquiry and takes whatever steps are necessary to ensure it fulfills its responsibilities. The risks are great if the commission is deemed not to have been impartial and thorough in its review and if the findings are not publicly released and acted on, as appropriate. At