United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, MONDAY, MARCH 14, 2016 *No. 40*

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

God only wise, great is Your faithfulness.

Inspire our lawmakers to focus on Your priorities, striving to do Your will on Earth even as it is done in Heaven. During moments of confusion, help them to whisper a prayer for Your wisdom. Remind them that You desire that they set their affection on the things above that will live beyond time into eternity. May they not forget that You expect them to be accountable to You and to be stewards of their talents and abilities. Lord, fill them with Your Spirit so that they will mount up with wings like eagles, running without weariness and walking without fainting.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

WORKING TOGETHER IN THE SENATE

Mr. MCCONNELL. Madam President, last week the Senate took decisive action to address America's devastating prescription opioid and heroin epidemic by passing the Comprehensive Addiction and Recovery Act. It is an important accomplishment for the American people. It is the latest example of a Republican Senate leading on important issues. It also reminds us what can be accomplished when Senators focus on issues where they can agree rather than only fighting about issues where they don't agree.

It is clear that Democrats and Republicans do not agree on whether the American people should have a voice in the current Supreme Court vacancy. Republicans know the American people elected a Republican Senate to be a check-and-balance to President Obama. We know the next Justice could dramatically change the direction of the Court for decades. We think the American people deserve a voice in that conversation. Democrats would rather the President make this incredibly consequential decision on his way out the door. This is one issue where we simply don't agree, so let's keep our focus on the areas where we can find agreement instead.

I ask colleagues to join us in continuing to do our work here in the Senate. As we do that, the American people can continue making their voices heard in this important national conversation. Passing CARA was a great example of what we can get done when we work constructively toward solutions.

This week we will have the opportunity to make progress on other issues, including one I would like to mention now.

Vermont recently passed food-labeling legislation that according to one study could increase annual food costs by more than $1,000 per family. These aren't just Vermont families I am talking about; these are families all across our country.

The Senate will soon consider commonsense, bipartisan legislation that aims to ensure that decisions in one State or a patchwork of different State laws do not hurt American families throughout our country—especially at a time when so many are already struggling to make ends meet. The goal is to set clear, science-based standards in order to prevent families from being unfairly hurt by a patchwork of conflicting local and State labeling laws passed in States and cities where they don't even live.

I would like to recognize the chairman of the Agriculture Committee, Senator ROBERTS, for his continuing work on this issue. The Agriculture Committee moved to pass the chairman's mark last week with bipartisan support. I know Chairman ROBERT continues to work with Senator STABENOW, the ranking member, and others across the aisle on a pathway forward on legislation we can pass in the Senate to resolve this issue. I urge Members to continue working with him in that endeavor.

Let's not forget that this may well be our last chance to prevent the actions of one State—just one State—from hurting Americans in all the other States. Legislation to address this issue passed the House last summer with bipartisan support. With cooperation from across the aisle, we can take action on a bipartisan basis here on the Senate floor as well.

COAL FAMILIES

Mr. MCCONNELL. Madam President, on one final matter, when President Obama was a candidate, he boasted that his energy tax policies would make electricity prices skyrocket for American families. When President Obama took office, his administration declared a war on coal families and on their jobs. For a time, his administration tried to deny it was declaring war on anyone, but now we hear boasting from the highest ranks of the Democratic Party that these policies are going to put coal miners out of business.

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

Miners in Kentucky and across the country know that coal keeps the lights on and puts food on the table. What they want is to provide for their families. But here is how more Democrats seem to view these hard-working Americans and their families: just statistics, just the cost of doing business, just obstacles to their ideology. This is callous, it is wrong, and it underlines the need to stand up for hard-working, middle-class coal families. That is what I have done here in the Senate. That is what I will continue to do. I hope our colleagues will join me.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GENETICALLY MODIFIED FOOD

Mr. REID. Madam President, GMO, genetically modified food—that is basically what it is. What we want is to make sure consumers know what is in their food. They deserve clear standards. They require the disclosure of what is in their food, not a voluntary standard that Senator ROBERTS is talking about bringing out of the committee. All that does is leave consumers in the dark, and that is the wrong way to go.

COAL MINER PENSIONS

Mr. REID. Madam President, I understand the Republican leader's concern about coal not being the way it was. It is simply that the American people have made a decision that we are going to have to look for another way to produce energy. There is still a place for coal in our society, but everyone has to acknowledge that it is not as it was a few years ago.

I wish the Republican leader cared more about moving to help the pensions of these coal miners. They are desperately looking for support. We support them on this side. All the coal miners support it. We can get no support from the Republicans. We tried during the work we did at the end of the year. We came close, but Republicans said no.

I want all those coal miners from Kentucky and around the country to understand that we are trying to help them with their pensions, but unless we get some help from the Republicans, there will be no support. That is too bad. We are trying. We are trying. We are trying.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Madam President, Senate Republicans have finally admitted that their obstruction of President Obama's Supreme Court nominee has nothing to do with precedent, it has nothing to do with history, it has nothing to do with the Constitution, but it has everything to do with partisan politics.

Last Thursday, Democrats on the Senate Judiciary Committee forced Chairman GRASSLEY and the committee Republicans to debate the Supreme Court vacancy during a markup. Remember, this is the same markup the chairman of the Judiciary Committee, Senator GRASSLEY, canceled a week earlier because he and Republicans didn't want to make the meeting open to the public. He tried to have a secret meeting; Democrats wouldn't agree.

On last Thursday when they finally had a meeting, the senior Senator from South Carolina, a Republican, said:

> We are setting a precedent here today, Republicans are, that in the last year at least of a lame duck eight-year term—I would say it's going to be a four-year term—that you're not going to fill a vacancy of the Supreme Court based on what we're doing here today. We're headed to changing the rules, probably in a permanent fashion.

I applaud Senator GRAHAM's forthrightness in admitting what his Republican colleagues refuse to admit: Their obstruction of a Supreme Court nominee is unprecedented. The senior Senator from South Carolina said that, and that is what I have been saying.

So the question then remains, if denying President Obama's nominee a meeting, a hearing, and a vote has nothing to do with Senate precedent, then what is this all about? Fortunately, last Thursday also yielded an answer to that question. During an interview with a Wisconsin radio station, the Republican Senator from Wisconsin, Senator RON JOHNSON, was asked if he would treat a Supreme Court nominee from a Republican President differently. He answered:

> Generally, and this is the way it works out politically . . . if a conservative president's replacing a conservative justice, there's a little more accommodation to it.

The Senator from Wisconsin admitted that he and his colleagues would accommodate the Supreme Court nomination from a Republican President. So Senate Republicans are talking out of both sides of their mouths. Republicans claim they are simply adhering to precedent, even as they admit they are permanently changing the way the Senate treats Supreme Court nominees.

Republicans claim they want to give the American people a voice. That is what elections are all about. President Obama's reelection was the American people's voice.

Republicans claim—I repeat—they want to give the American people a voice and wait until after a new President is sworn in, even while admitting they would consider a Republican President's nominee right now. It doesn't make sense. It is illogical. It is unfair.

The American people do not accept this duplicitous posturing. They don't accept it as a rationalization for why Republicans won't do their jobs.

Over the weekend, the editorial board of Iowa City Press-Citizen—the Presiding Officer's home State—made clear what they want Senator GRASSLEY and Senate Republicans to do: They want Republicans to follow the Constitution.

> Partisan posturing to score points at the expense of Constitutional process doesn't change character based on the letter next to a lawmaker's name. . . . Currently, a Democrat is in the White House as this pitched battle is fought, but were the roles reversed, we would not alter our position. If, down the line, a Supreme Court Justice retired or died in a presidential election year with a Republican in power, we would similarly urge a fair hearing for that president's nominee.

The Senate's constitutional duty transcends partisan bickering. The people of Iowa and America don't want a Senate that treats its constitutional duties differently based on who is in the White House. They want a Senate that does its job. They want Republicans to do their jobs.

So I say to my Republican colleagues, enough with the hollow excuses and groundless rationalizations. Do your jobs and give President Obama's Supreme Court nominee a meeting, a hearing, and a vote.

Madam President, there is another aspect of this Supreme Court fight we must address. Already, as we know, Republicans are resorting to what they call piñata politics. That is what Senator CORNYN promised. Radical conservative groups are starting to run smear campaigns targeting President Obama's potential Supreme Court nominees. One of those potential nominees is from Iowa.

One such ad from the Judicial Crisis Network, a dark money, rightwing political organization that operates in total secrecy—not knowing where its money comes from; probably the Koch brothers because they fund most everything else—is especially appalling. The ad takes aim at an Iowan serving on the Eighth Circuit Court of Appeals, Judge Jane Kelly. The accusations leveled against Judge Kelly are despicable, and they deserve to be answered by her home State Senator—I should say Senators.

Senator GRASSLEY is on record as having strongly supported Judge Kelly's confirmation to the Eighth Circuit Court of Appeals. It was he who came to the floor in 2013 and read from a letter stating that Judge Kelly is ''a forthright woman of high integrity and honest character . . . and exceptionally keen intellect.'' It was Senator GRASSLEY who told his colleagues at about the same time: ''I am pleased to support her confirmation and urge my colleagues to join me.'' And Senator GRASSLEY's Judicial Committee, of which he was a senior member, even helped vet Judge Kelly's record before endorsing her confirmation to the bench.

If there was something wrong with her judicial nomination, he certainly didn't find it. Yet Senator GRASSLEY has been silent in the wake of these recent smears against Judge Kelly. I

know the senior Senator from Iowa has been busy listening to what the Republican leader's line is on the Supreme Court vacancy, but this disgusting rightwing attack from Republicans to a fellow Iowan—a judge he enthusiastically supported—demands a response.

Senator GRASSLEY needs to tell the people of Iowa whether he supports the smear campaign that his own Republicans are hurling at Judge Jane Kelly. Does he support the smear campaign? That is a question that needs to be answered, especially since the Judicial Crisis Network—this rightwing, secretly funded by dark money—has been in lockstep with Senator GRASSLEY's obstruction and even praising him while at the same time smearing Judge Kelly.

If he doesn't go on record, he needs to do something. I can't imagine why he wouldn't go on record denouncing this type of disgusting rhetoric. I look forward to the senior Senator from Iowa setting the record straight on his fellow Iowan and a judge whom he personally endorsed.

Madam President, there is no one on the floor. Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FILLING THE SUPREME COURT VACANCY

Ms. BALDWIN. Madam President, I rise today to speak about something that guides the work of each and every one of us—the U.S. Constitution. Each and every one of us has taken an oath of office to support and defend the Constitution of the United States. We all solemnly swear that we will bear true faith and allegiance to the Constitution and that we will faithfully discharge the duties of our office. Have some of the Senate Republicans forgotten this?

Last week a colleague was asked in a radio interview on a Wisconsin radio station if Republicans would be more likely to advance a Supreme Court nomination had a Republican been elected President in 2012. He said: ''Generally, and this is the way it works out politically, if you're replacing—if a conservative president's replacing a conservative justice, there's a little more accommodation to it.'' Do Senate Republicans really believe that they need a Republican President simply to do their jobs?

I would like to remind my colleagues that President Obama was elected to a 4-year term in 2012 with over 65 million votes. The American people decided who our President is, and according to the Constitution, the term the President earned has more than 300 days remaining. The voices of those 65 million Americans need to be heard and respected despite how much some people want to silence them, disrespect them, and ignore them.

On Supreme Court vacancies, the Constitution is also clear. Under article II of the Constitution, the President shall appoint judges to the Supreme Court and the Senate's role is to provide advice and consent. It is the constitutional duty of the President to select a Supreme Court nominee, and the Senate has the responsibility to give that nominee fair consideration with a timely hearing and a timely vote.

It is deeply troubling to me and the people for whom I work in Wisconsin that the Republican majority would choose not to fulfill their constitutional duty. Before the President has even made a nomination to fill the current vacancy, a number of Senators have announced that they will not perform their constitutional duty. This not only runs contrary to the process that the Framers envisioned in article II, but it runs counter to our Nation's history.

Now, some of my colleagues have claimed that the Senate history supports their historic obstruction. This is simply false. In fact, six Justices have been confirmed in Presidential election years since 1900, including Louis Brandeis, Benjamin Cardozo, and Republican appointee Anthony Kennedy, who was confirmed by a Democratic-controlled Senate during President Ronald Reagan's last year in office.

Recently, one of my colleagues on the other side suggested that the nomination and confirmation process for a Supreme Court Justice—perhaps just this impending Supreme Court nomination—would be nothing more than playing pinata. I would like to point out that when playing pinata, children are typically blindfolded, spun around in circles, and then they take a whack at the pinata with either a bat or stick. It is as if my Republican colleagues have become dizzied by what they are hearing around them—perhaps Donald Trump's divisive rhetoric.

Do they see a Supreme Court nominee as nothing more than something to whack over and over, like a pinata? The violence of the metaphor is problematic. Have they lost faith and allegiance in their constitutional duties?

Today, the American people deserve a full and functioning Supreme Court, not an empty seat on the highest Court in the land. The American people cannot afford partisan obstruction that threatens the integrity of our democracy and the functioning of our constitutional government.

In my home State of Wisconsin, people get it. A recent poll there done by Marquette University showed a majority of the people believe that the Senate should hold hearings and a vote on a nominee this year. A majority of Wisconsinites also said they believe that leaving this seat on our highest Court vacant for more than a year will hurt the U.S. Supreme Court's ability to do its job. They are right, and their message to Washington and the Republican majority is simple: Do your job so the Supreme Court can do its job on behalf of all of the American people. The American people deserve better than a long-term vacancy that could jeopardize the administration of justice across our whole country.

So I call on my colleagues to join together on behalf of the American people to fulfill our constitutional obligation of restoring the U.S. Supreme Court to its full strength.

In the spirit of cooperation, in the spirit of bipartisanship, I call on Senate Republicans to end their partisan obstruction and do their jobs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

TRAGEDY IN KANSAS AND IMMIGRATION REFORM

Mr. MORAN. Madam President, I wish to address the Senate in regard to a terrible tragedy that has occurred in our State. I start with the premise that our immigration system is terribly broken and the consequences of flawed immigration policies exhibit themselves across our society. It is hard to understand why nothing has been done to address certain obviously dangerous vulnerabilities and specific problems that put American lives at risk.

Sanctuary city policies and indifference about prosecution of illegal immigrants arrested for dangerous crimes and the tolerance of bureaucratic redtape by the administration all contribute to a dangerous degrading of the criminal justice system. The failure to address illegal immigration at all levels of government has been accounted for in lost lives.

Sometimes a government failure is just annoying. Sometimes it is deadly. Decades of broken immigration policy contributed to the situation that led to the murder of four people in Kansas and another in Missouri. The victims are Michael Capps, 41 years old, Jake Waters, 36 years old, Clint Harter, 27 years old, and Austin Harter, 29 years old, all of Kansas City, KS, and Randy Nordman, 49 years old, of New Florence, MO. The man suspected of taking these lives is an illegal immigrant—a

man who has unlawfully entered the United States three times. He has been arrested over and over. He has repeatedly demonstrated that he is a serious threat. Yet, despite these red flags, the system failed, and this man was free and able to commit these barbaric acts.

The extent of the systemic breakdown in this case is sickening. How criminal suspects unlawfully in the country are processed is a failure. The policies are terribly ineffective. In the current system, justice is delayed by bureaucracy or obstructed, in some cases, amazingly, by design. A broken system—some people prefer it that way and work to make it so. Others simply permit it to persist. Regardless, this has resulted in horrific crimes.

Sanctuary city policies and the laws that enable them must be fixed before the unnecessary loss of innocent life happens again. Failure to do so only allows more crimes like these murders and the spree of criminal behavior that preceded them.

Congress needs to act now. The President needs to act now. The Department of Homeland Security needs to act now. Local governments and law enforcement agencies need to act now.

The Senate's attempt to do just that has been stymied, but we must not give up on an effort to secure our Nation and protect Americans from harm. Failure to address these problems will only make the problems worse and will make them more difficult to solve later. Continuing the status quo means empowering career offenders, incentivizing law-evading behavior, impeding the prosecution of crime, and releasing dangerous and habitually unlawful individuals who have no place in our communities.

The victims of crime like last week's horrors in Kansas City have been failed by their communities and by their political leaders. Americans and our communities will continue to pay the price for the failure of our immigration system and the refusal of policymakers to work together to fix it.

Americans and their families will continue to pay—hopefully not again in the loss of life, but how can we guarantee that? We must act quickly. We must act now to correct these immediate problems, improve our Nation's broken immigration policies and laws, and stop the terrible consequences.

The loss of life is a terrible thing, and probably in this circumstance had no reason to happen, would not have happened if jobs had been done.

Kansans, Kansas families, Americans, American families deserve much, much better. These victims and their families—we honor them today, we offer our condolences and provide our sympathies—but these individuals and their families deserved better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF JOHN KING

Mr. LANKFORD. Madam President, I rise to speak on the nomination of John King to be Secretary of Education.

Dr. King has impressive credentials and an inspiring personal story. I have had the opportunity to meet with him and discuss his leadership and his view of the law.

I shared with Dr. King that in the view of many legal experts and school officials across the country, the Department of Education has been bullying schools to comply with policies that simply do not have the force of law. This coercive use of power, however well intentioned, is wrong and it is unlawful.

Leadership requires making sure that those serving within the Department conduct themselves in full compliance with the law.

I have an obligation to the people of Oklahoma to ensure that the President's nominees adhere to the law. Regrettably, Dr. King has refused to commit to stopping these regulatory abuses if he were confirmed. For that reason, I will oppose his nomination today.

For far too long we have witnessed executive overreach in this administration. From the Clean Power Plan to waters of the United States, Federal departments and agencies have usurped the power to invent law with increasing boldness. The Department of Education overreach is similar in this kind.

Instead of promulgating rules that conflict with congressional intent, the Department of Education is skirting the rulemaking process altogether by issuing guidance documents they call Dear Colleague letters. Guidance documents cannot and do not have the force of law. Guidance documents may only interpret existing obligations found in statute or regulation.

Some agencies complain that the rulemaking process is too long and it requires too much public input, so it is easier just to say that the new rule simply interprets an existing rule, and then skip the compliance with the Administrative Procedures Act that is required for a new rule. It is complete irony that agencies see regulatory compliance as too burdensome, so they impose new regulatory guidance on States, local governments, tribes, and private institutions at a faster pace, and those institutions have no way to fight the rules—only comply.

Let me give an example from the Department of Education's Office of Civil Rights. They have a great responsibility to promote our shared American values of equal opportunity, ensuring gender equality, and to work with federally funded schools to prohibit sexual harassment and sexual violence. As the father of two daughters, I fully support the objectives of Title IX and condemn all forms of sexual discrimination.

But the Office of Civil Rights enforcement authority comes from Title IX of the Education Amendments of 1972 bill, and those Office of Civil Rights Dear Colleague letters that are now being put out there supposedly notify schools of their obligations under Title IX.

Two of the Office of Civil Rights Dear Colleagues letters significantly expand school liability by prescribing policies required neither by Title IX nor by OCR's regulations. I am particularly concerned with OCR's 2010 Dear Colleague letter on harassment and bullying and a 2011 letter on sexual violence.

These letters respectively prohibit conduct and require procedures not required by law. For example, the 2010 letter says that making sexual jokes or distributing sexually explicit pictures or creating emails or Web sites of a sexual nature can be actionable under Title IX. Well, regardless of what one personally thinks about abhorrent things like what I have just described, the First Amendment protects all forms of speech, and no part of our Federal Government can dictate what is said and not allowed to be said on a university campus. The 2010 letter leaves schools to wonder whether they should police certain speech on their campus or fear a Title IX investigation.

The 2011 letter requires schools to change their Title IX disciplinary procedures to require what is called a preponderance-of-the-evidence standard of proof. This means that the decisionmaker is 51 percent sure a student committed an act of sexual assault or sexual violence. But the Office of Civil Rights doesn't require many due process protections for the accused that he or she would enjoy being provided in a court of law.

The Office of Civil Rights said it was merely interpreting the ''equitable resolution'' standard that is in the law. So it changed, creating a new standard and saying it is just interpreting some equitable standard that is in the law—a standard that no other administration has ever applied.

If these policies had been subjected to notice-and-comment rulemaking, I wouldn't be standing here today. When agencies follow the law, notice and comment allows for public input and leads to better regulatory outcomes.

But universities never got that chance. So on January 7, 2016, I asked the Department of Education a simple question: From where in the text do you derive this new authority? Where is it in the law that you created this new policy? Because the Department of Education can't create a new law; they can simply promulgate rules from existing law. That is a pretty basic question: Where did it come from in the law?

Unfortunately, the Department of Education did not answer my question. They sent me a letter back, but in their response they insisted that they have the authority to issue guidance under Title IX and cited general abilities in the statute. They also cited prior guidance documents, which are also not legal documents. You can't

make a new guidance off of old guidance documents.

So on March 24, 2016, I replied back to them, pointing out that the 2010 and 2011 letters did, in fact, create new policy. In my reply, I also expressed concern over the reliance by the Office of Civil Rights on letters of findings to support their policy requiring the preponderance-of-the-evidence standard. But these letters are not binding on other schools, either. In fact, they show that the Office for Civil Rights looks to and has enforced these policies enumerated only in ''Dear Colleague'' letters across the country.

Legal scholars at Harvard Law and Penn Law have argued that the Office for Civil Rights' sexual harassment policy was ''inconsistent with the most basic principles we teach.'' Title IX was not written and has never been said to imperil these ''basic principles,'' as the professors pointed out, which include free speech, due process, and adherence to good administrative procedures. To me, this is evidence that the ''Dear Colleague'' letters changed the application of title IX and its regulatory landscape in fundamental ways. These policy changes should be subject to rulemaking process, not just inventing new guidelines.

Other prominent voices have also stated their concerns with the substance of and the manner in which the guidance documents were issued. Take, for example, the director of the civil liberties-minded Foundation for Individual Rights and Education, known as FIRE, who stated that ''OCR has consistently avoided giving real answers to questions about its power to issue regulations outside the bounds of the law. It cannot avoid accountability forever.''

An analysis from Inside Higher Ed, a respected news outlet for the postsecondary education community, stated:

> Last week, the Department clarified in a letter . . . that the Dear Colleague letter acts only as a guidance for college and does not ''carry the force of law.'' But many college presidents and lawyers argue that the Department's Office for Civil Rights treats the guidance far more than as a series of recommendations. Instead, they say, OCR uses the letter to determine which colleges are in violation of Title IX and to threaten the federal funding of those that don't follow every suggestion. Some Department officials have recently said there are clear ''musts'' and clear ''shoulds'' in the guidance, though colleges say the Office for Civil Rights does not seem to clearly differentiate between the two. Attempts to clarify which parts of the letter should be read as hard regulations and which should be considered recommendations have only led to more confusion and frustration.

That from this well-respected entity.

The publication also quotes Terry Hartle of the American Council on Education saying that ''the department's political leadership can say or write whatever they want, but where the rubber meets the road is where the Office for Civil Rights shows up to investigate cases on campus, and in those cases they consistently treat every single word of the guidance as an absolute mandate.''

Kent Talbert, a lawyer who served as general counsel at the Department of Education from 2006 until 2009, went on the record to say that the response to my letter that I got back from Dr. King and from the Department of Education ''glosses over'' concerns regarding whether the Department circumvented notice-and-comment rulemaking.

Hans Bader, another former attorney in the Office for Civil Rights, characterized OCR's response as a ''question-begging rationalization'' that did not ''address the criticisms . . . made by many lawyers and law professors.'' Mr. Bader went on to say that ''the 2011 Dear Colleague letter that was the subject of Senator LANKFORD's questions is just the tip of the iceberg when it comes to the Education Department imposing new legal rules out of thin air, without codifying them in the Code of Federal Regulations, or complying with the notice-and-comment requirements of the Administrative Procedure Act.''

Commentator George Will penned an op-ed on the same issue as my letter, and he said that when the Department argues ''its 'guidance' letters do not have the force of law—it's a distinction without a difference.''

Last week in my conversations with Dr. King about the Department of Education's practice of issuing guidance in lieu of rulemaking as required by law, he stated that if a school has a problem, they can challenge the Department in court, basically saying: If the schools have a problem with our guidance, they can sue us.

Were the Office for Civil Rights to take adverse action against a school for failure to comply with the guidance documents and if that school fought back in court, I believe that school would prevail. In fact, the legislative and policy director for FIRE said that institutions ''would be on very solid ground in challenging OCR because OCR's statements and policies clearly skirted the notice-and-comment requirements.'' But you tell me what school would have an incentive to accept the existential threat that litigation poses to their university when they file suit against the Office for Civil Rights? They risk reputational harm, legal penalties, and recision of Federal funding, all because the OCR thinks no one would actually sue them. Many schools decide the risk is not worth the reward, and the Department of Education knows it.

While individual companies or entire industries can and often do fight back against regulatory overreach from the Department of Labor or EPA, the Department of Education is in a position to hold Federal funding ransom if universities don't comply with its policies even when those policies are unlawful abuses of regulatory power. This is unacceptable.

Just because we share an objective of equality and school safety doesn't mean we can turn a blind eye to a Federal department running roughshod over the very regulatory process we require. Here the ends certainly do not justify the means, and schools and the very students we want to protect suffer as a result.

I do want to stress that I admire Dr. King's dedication to bettering our Nation's schools. All Americans are undoubtedly enriched by contributions made by such conscientious and exceptional educators. I thank him for his previous time of service, which is an impressive record.

Likewise, I appreciate that these guidance documents predate Dr. King's service at the Department and that he had no role in overseeing their development or issuance, but when asked to reexamine them and the process of how they were created, he protected them instead of acknowledging the problem with the process. That tells me there are more ''Dear Colleague'' letters coming to our schools, and this agency will continue to make up the rules in a vacuum and threaten Federal funding for those who dare not comply.

As part of my continuing discussions with the Office for Civil Rights, the Department has assured me they will take steps to clarify the interpretive role of guidance, increase transparency, and enhance opportunity for public input. I am encouraged that the Office for Civil Rights has committed to these improvements, and I look forward to a continued discussion on how better guidance practices, both in the Office for Civil Rights and across the entire government, can actually occur. Unfortunately, these proposals don't answer the questions I have asked Dr. King, nor do they in any way address the fundamental problems with the 2010 or 2011 ''Dear Colleague'' letters or the Office for Civil Rights' broader practice of issuing guidance in lieu of rulemaking. Because I have not received a full answer to the questions I asked the Department and because Dr. King does not acknowledge that this overreach is even occurring within the agency he is nominated to lead, I have no choice but to oppose his nomination today.

Time will tell whether this Department of Education is about to take a new direction with new leadership or whether they will continue the same path of coercive overreach they have already been on. This needs to stop. The American people require a voice in the rulemaking process, and I hope this can press on today.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of John B. King, of New York, to be Secretary of Education.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate equally divided in the usual form.

The Senator from Oklahoma.

Mr. LANKFORD. I ask unanimous consent that all time during quorum calls between 4 p.m. and 5:30 p.m. today be equally divided in the usual form.

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

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

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

ILLEGAL IMMIGRATION

Mr. COTTON. Madam President, last Thursday the Democratic candidates for President had a debate. They made several extremely irresponsible statements about immigration policy. I oppose their calls to reward mass illegal immigration with blanket amnesty, which would undermine the rule of law, cost Americans jobs, drive down wages for working Americans, and invite more illegal immigration.

But what must President Obama think? After all, he has attempted to grant amnesty by fiat to over 5 million illegal immigrants, although the courts have blocked most of those amnesties for now. Yet the Senator from Vermont and Hillary Clinton both insisted that the President hadn't gone far enough. They would expand on his actions and go even further. In fact, a debate moderator called President Obama ''the deporter in chief,'' and Hillary Clinton tacitly accepted the characterization, saying she wouldn't deport nearly as many illegal immigrants as President Obama has—which of course isn't a terribly high bar to clear since deportations are down 42 percent since the start of President Obama's second term and last year deportations hit a 10-year low. Still, I can't imagine President Obama is too pleased with his would-be successor.

I also can't imagine a more opportunist and irresponsible position than the one taken by Hillary Clinton. As she panders for votes, she limited deportation priorities to violent criminals and terrorists. Apparently, Secretary Clinton will welcome con artists, identity thieves, and other nonviolent criminal illegal immigrants with outstretched arms into our country.

Even more astonishing, she stated unequivocally, ''I will not deport children. I would not deport children.'' As I stated, this is pure opportunism. For instance, I imagine this child shown in this poster would have liked Secretary Clinton's policy to have been in effect during her husband's administration. This is the famous picture of Elian Gonzalez, a 6-year-old Cuban boy who reached our shores despite his mother tragically dying at sea. Elian's U.S.-based family pleaded with the Clinton administration to grant him asylum, as was our common custom for refugees from communism, but President Clinton rejected those pleas, siding with the Castros. Federal agents stormed the private residence and apprehended Elian at gunpoint. Where was Secretary Clinton? I guess she didn't have a no-kids policy back then. But we don't have to guess. The then-First Lady was campaigning for Senate in New York. She opposed congressional action to protect Elian and advocated returning the boy to Cuba—contrary to a decades-long bipartisan consensus that we should grant safe harbor to refugees from totalitarian Communist states.

Yet, the sad story of Elian Gonzalez isn't the most recent or harmful example of her opportunism. Just two summers ago, our country faced a migrant crisis on our southern border. Nearly 140,000 people—about half of them unaccompanied kids—poured across our border. Notably, most did not flee from the Border Patrol or try to avoid capture; on the contrary, they ran to U.S. border agents.

Why would brandnew illegal immigrants, having successfully crossed our border, turn themselves in? The answer is simple: They have been led to believe they would be allowed to stay.

From the multiple administration memos instructing agents not to fully enforce immigration law to President Obama's unlawful Executive amnesties, to the Senate's own amnesty legislation, every signal from Washington said our political class lacked the willpower to secure our borders and enforce our immigration laws in the country's interior.

Some might say these policies and proposals wouldn't have covered the newly arrived immigrants; that they would have faced deportation. Perhaps, but what they signaled was a complete unwillingness to enforce our immigration laws, just as amnesty granted in 1986 invited another generation of illegal immigrants to migrate to our country and wait for the next amnesty.

These policies certainly gave the human traffickers who transported and abused these kids plenty of grounds to tell desperate parents: Send your kid north with me, and he will get a permiso. In the end, they weren't wrong. Nearly 2 years later, only a very tiny minority of unaccompanied children have been deported. In fact, more than 111,000 unaccompanied minors entered the United States illegally from 2011 to 2015, but only 6 percent have been returned to their home countries. Yes, some may have received a deportation order from a court—usually after failing to appear for a hearing. Yet the Obama administration has made little to no effort to locate them.

Therefore, it is fair to say the human traffickers, the so-called coyotes, weren't wrong, and many Central American parents took an understandable risk. After all, a life in America in the shadows—as advocates for amnesty and open borders call it—may be preferable to poverty and violence back home. While these factors may have been the push factors in the migrant crisis, there can be no doubt that the pull factors of amnesty, deferred action, nonenforcement, economic opportunity, and safety were just as strong, if not stronger.

That is why even the Obama administration tried to address them. President Obama met with leaders of Honduras, Guatemala, and El Salvador to seek their assistance. Vice President BIDEN flew to Guatemala and publicly urged parents not to believe the coyotes' promises of amnesty. The Secretary of Homeland Security Jeh Johnson wrote an open letter to Central American parents, and, yes, Hillary Clinton got involved too. Secretary Clinton stated in 2014 that these children ''should be sent back as soon as it can be determined who responsible adults in their families are.'' She insisted that ''we have to send a clear message: Just because your child gets across the border, that doesn't mean the child gets to stay.''

That was the right position then, and it is the right position now, even if real action didn't back up the Obama administration's words, but that was then, and this is now, in the middle of another flailing Presidential campaign. Secretary Clinton now says she would not deport children under any circumstances, not even those who just arrived or presumably those who arrive in the future.

We have come to expect such opportunism from the ''House of Clinton,'' but even worse is the irresponsibility. Put yourself in the position of a desperate parent in Central America. You live in Third World conditions. Work is scarce. Food and water are a struggle. Power doesn't always come on with the flip of a switch. Gangs control many of the streets. Murder rates are some of the highest in the world. You have every reason to try to escape these conditions or at least get your kid out, but where to go?

You just got your answer. Hillary Clinton, one of the most famous people in the world—one of only six people likely to be the next President of the United States—just broadcast new hope to the world: You can come to the United States.

Of course, it is a peculiar kind of hope. She didn't say go to our Embassy and seek asylum. She certainly didn't say get on an airplane and fly safely to

the United States, nor will she ever take such massively unpopular positions. Indeed, she essentially invited you to take a life-or-death gamble: If you survive the trip, you can stay.

How is this moral? How is it compassionate to create incentives for such reckless behavior? Hillary Clinton just created a full employment opportunity for human traffickers. She helped oversell illicit tickets on this train, The Beast, a network of freight trains aboard which migrants from Central America cross Mexico to the United States.

The Beast has another name—The Death Train. It is called that because many who ride it don't survive or, if they do, they only escape with grievous injuries or after enduring physical and sexual abuse at the hands of criminal gangs. With her irresponsible pandering, Secretary Clinton's words will help contribute to untold suffering, pain, and death among American families.

Her words are equally irresponsible when looked at from the American perspective. Secretary Clinton's promise to deport only violent criminals and no children under any circumstances will badly harm struggling Americans. Decades of mass immigration has contributed to joblessness, stagnant wages, and communities stressed to the breaking point to provide education, housing, emergency services, public safety, and other basic government services.

The coming Clinton wave of illegal immigration will only make it harder to secure our borders, enforce our laws, and get immigration under control and working for Americans who are, after all, the people we are supposed to serve.

The world is full of violence, oppression, corruption, and injustice. We cannot turn a blind eye to this. It often has a way of arriving at our borders and on our shores. Similar to most Americans, my heart breaks when I imagine the plight of those desperate parents in Central America as they look upon their little ones. That is why I strongly support efforts to assist countries such as Guatemala, Honduras, and El Salvador to develop stronger institutions and improve living conditions there. Many dedicated professionals in the State Department, FBI, DEA, Southern Command, and other Federal agencies are there serving us—to do just that.

At the same time, we cannot solve all the world's ills and our foremost responsibility is to Americans, not foreigners. We can help reduce the push factors in foreign countries driving migrants to our borders, but we are not obligated to accept their citizens into our country. On the contrary, our obligation is to protect and serve Americans. To do so, we must eliminate the pull factors for these migrants here at home.

Like any country, we have a right, indeed, we have a duty to control who comes to our country and allow them here only if it is in our national interests. America is a nation of immigrants, but we are also a nation of laws. Secretary Clinton has not only displayed contempt for our immigration laws but also encouraged foreigners to break those laws, to their own grave danger. We must say to these foreigners, loudly and clearly: Do not make this dangerous journey. Do not violate our laws. Do not come here illegally. It is the humane thing to do, and it is the right thing to do. Secretary Clinton should be ashamed of herself for doing otherwise.

Madam President, I yield the floor.

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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FILLING THE SUPREME COURT VACANCY

Mr. HATCH. Madam President, I rise to discuss the vacancy created by the death of Supreme Court Justice Antonin Scalia. Those of us who knew the late Justice well are still mourning the loss of a dear friend, and the Nation is feeling the loss of one of the greatest jurists in its history. We will never find a true replacement for Justice Scalia, only a successor to his legacy. We owe it to the late Justice's extraordinary legacy of service to ensure that we treat confirmation of his successor properly.

My friends in the Democratic minority have settled upon one mantra above all others in addressing this vacancy; that the Senate must ''do its job.'' While I have no doubt this talking point has been poll tested and refined to serve as the most effective political attack possible, the truth is that this point is completely uncontroversial. I have not heard a single one of my Republican colleagues argue that the Senate should not do its job with respect to the Supreme Court vacancy. Where we have a legitimate difference of opinion is how the Senate can best do its job.

Article II, section 2 of the Constitution divides the appointment process into two—two—distinct roles: the power of the President to nominate and the power of the Senate to provide its advice and consent. Despite the wild claims of some of my Democratic friends to the contrary, the Constitution does not define how the Senate is to go about its duty to provide advice and consent. It does not dictate that the Senate must hold confirmation hearings or floor votes on the President's preferred timeline. After all, how could the Constitution provide such instruction if the Judiciary Committee did not come into existence until 27 years after the Senate first convened in 1789? Indeed, the Judiciary Committee only began holding confirmation hearings in the past century, and nominees only began appearing before the committee regularly in the past 60 years.

In fact, the Constitution prescribes no specific structure or timeline for the confirmation process, and the Constitution's text and structure, as well as longstanding historical practice, confirm that the Senate has the authority to shape the confirmation process how it sees fit. In other words, the Senate's job is to determine the best way to exercise its advice and consent power in each unique situation.

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. In the previous two instances, in 1956 and 1968, the Senate did not confirm the nominee until the following year. 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 only arose when Justice Charles Evans Hughes resigned his seat on the Court to run against incumbent President Woodrow Wilson.

Key Democrats have long expressed strong agreement with the decision to defer the confirmation process in these circumstances. For example, Senator CHUCK SCHUMER, the incoming Democratic leader, argued in July 2007—with a year and a half left in President George W. Bush's term and with no Supreme Court seat even vacant—that the Senate ''should not confirm any Bush nominee to the Supreme Court except in extraordinary circumstances.'' Vice President JOE BIDEN argued in 1992, when he was Judiciary Committee chairman, that if a Supreme Court vacancy occurred in that Presidential election year, ''the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.''

Past practice and the well documented past positions of key Democrats certainly support the notion that deferring the confirmation process is an option reasonably available to the Senate in certain circumstances. As for its appropriateness in the present situation, one need only consider how the confirmation process would be further poisoned by election-year politics.

As a member of the Judiciary Committee for nearly four decades, I have witnessed the judicial confirmation process become increasingly divisive and sometimes—oftentimes, as a matter of fact—downright nasty. First came the campaigns of character assassination waged against Robert Bork and Clarence Thomas. Then came the

Senate Democrats' unprecedented filibusters of President George W. Bush's lower court nominees. Then came the attempt to deny an up-or-down vote on the nomination of Samuel Alito to the Supreme Court—a move supported by then-Senators Obama, BIDEN, CLINTON, REID, DURBIN, SCHUMER, and LEAHY. Finally came the unilateral use of the nuclear option to blow up the filibuster and pack the DC Circuit Court of Appeals—widely considered the second most powerful court in the Nation—with liberal judges committed to rubberstamping the President's agenda.

Those who were responsible for every single one of these major escalations in the so-called judicial confirmation wars have no credibility to lecture anyone on what a proper confirmation process should look like in this situation. For those of us who have fought against the breakdown of the confirmation process, the prospect of considering a nomination in the middle of what may be the nastiest election of my lifetime could only further damage the long-term prospects of a healthy confirmation process. Deferring the process is in the best interests of the Senate, the judiciary, and the country.

The tenor of the debate since Justice Scalia's passing has only confirmed how right we were to take a stand to defer the process until after the election. For example, a speech I delivered to the Federalist Society on Friday was briefly disrupted by protestors chanting ''Do your job,'' ironically just as I began to explain why our approach to this vacancy is the best way the Senate can indeed do its job. Now, I do not mind protestors speaking their minds, but I don't appreciate it when they try to prevent others from expressing differing views. That a respectful discussion among attorneys was disrupted by professional activists wielding materials from Organizing for Action, a political arm of the White House and the Democratic National Committee, demonstrates what I have been saying all along: Considering a nominee in the midst of a Presidential election campaign would further inject toxic political theater into an already politicized confirmation process.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of an article from Politico detailing the extensive political coordination between the White House and the parent organization of these protestors that risks turning what should be serious consideration of a weighty lifetime appointment into an election-year political circus.

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

[From POLITICO, Mar. 13, 2016]

WHITE HOUSE PREPS SUPREME COURT BATTLE PLAN

(By Edward-Isaac Dovere and Josh Gerstein)

As soon as President Barack Obama announces a Supreme Court nominee from his short list—which is now set—the White House and its allies will unleash a coordinated media and political blitz aimed at weakening GOP resistance to confirming the president's pick.

Administration allies have already started putting a ground game in place. Obama campaign veterans have been contracted in six states—New Hampshire, Illinois, Ohio, Pennsylvania and Wisconsin, where GOP incumbents are most vulnerable, plus Senate Judiciary Chairman Chuck Grassley's Iowa.

With Republicans flatly refusing even courtesy meetings with a nominee, let alone confirmation hearings, they're also looking into photo ops with Senate Democrats, and could pursue mock hearings or other events meant to highlight GOP intransigence, according to sources familiar with the planning.

Still, the West Wing is trying to strike a balance between pushing the nominee forward to create pressure and the danger of seeming to politicize the fight or accidentally straying into hypothetical discussions of future court decisions.

Obama is expected to announce a nominee as early as this week. Many believe that the choice will be one of three federal appeals court judges: Sri Srinivasan, Merrick Garland or Paul Watford.

The first calls for outside help went out from the White House as soon as Antonin Scalia's death was confirmed and Senate Majority Leader Mitch McConnell (R–Ky.) ruled out confirming a successor. That Thursday, senior Obama adviser Valerie Jarrett and White House counsel Neil Eggleston gathered in the Eisenhower Executive Office Building for a larger version of their regular judicial nominations action meeting, with participants including Judy Licthman of the National Partnership for Women & Families, frequent White House collaborator Robert Raben, People for the American Way and the Leadership Conference On Civil and Human Rights. Tina Tchen, chief of staff to the First Lady, also attended.

In follow-up conference calls and smaller meetings, a plan and strategy took shape, which they agreed would be led by Obama 2012 deputy campaign manager Stephanie Cutter, with White House communications director Anita Dunn leading the media plan, and recently departed legislative affairs director Katie Beirne Fallon taking the lead on the Hill. The following week, leaders of more of the operational groups gathered in Jarrett's office for a brainstorming and coordination meeting, with Eggleston and political director David Simas attending. Among the outside groups that attended: Center for American Progress president Neera Tanden, Americans United for Change president Brad Woodhouse, political consultant Bob Creamer and Patty First from the Raben Group.

The White House is still unsure how to deploy Obama. Some advisers feel like the presidential bully pulpit is the only way to bring enough pressure to have a chance at making Senate Republicans crack. Others have been advising that the more this is about Obama, the worse their chances are, and the more they can focus attention on the nominee, and his or her qualifications, the better they'll do.

Obama's aides haven't made a final decision on the long-term strategy. They're more focused for the moment on finalizing plans for the roll-out, hoping to at least generate some initial buzz around the nominee.

Outside allies are lining up progressive organizations, labor leaders, women's groups and black ministers, to focus attention on the battle, which is likely to drag on for months. Monday morning, for example, the Leadership Conference on Civil and Human Rights is releasing a letter from law school deans pushing the Senate to act.

''We are building this campaign for the long haul. Our number one goal is that Senate Republicans do their job, follow their Constitutional responsibility and take up the president's nominee and put that person on the court,'' said one of the people involved in the outside efforts. ''But if they want a political fight, we're more than willing to accommodate them. And if they maintain this unprecedented obstruction, they can kiss their majority goodbye.''

Senate Democrats have been pitching in too. First up: photos and video of the nominee going to meet with Democratic senators on Capitol Hill, hoping will keep the nominee in the news. The administration and Senate Democrats are also weighing whether to stage mock hearings or other photo ops highlighting the nominees inability to even talk to Republicans—all in the hope of generating embarrassing footage for the GOP.

''Unprecedented Republican obstruction calls for an unconventional response,'' is how one Senate Democratic leadership aide put it.

Traditionally, Supreme Court nominees go completely silent except for their private meetings with senators and committee hearings. Though White House aides appear ready to break with that tradition, they'll only go so far: the nominee won't be making the rounds of Sunday talk shows, but some outside advisers have pushed for more contained and scripted appearances, like speeches at bar associations or law schools.

But the White House is proceeding carefully, feeling that the politics work best for them if they're able to keep the focus on Republican obstructionism.

''It's going to be largely about the person, so it's up to us to be as serious and dogged about how we present that person to the country,'' a White House aide said.

Top aides remain optimistic that McConnell will ease his blockade, but right now there's zero indication Republicans plan to back down. With that in mind, the administration is prepared for the fight to become more about ramping up embarrassment for Republicans up and down the ballot going into November, hoping they can help elect a Democratic president and more Democrats to the Senate, who would then fill the seat in January.

Asked aboard Air Force One on Friday whether the White House is prepared to have the nominee do interviews or whether the president will take a more public role, White House press secretary Josh Earnest said, ''it's too early to say exactly how this will play out.''

Within the White House, the planning is being overseen by Jarrett, Brian Deese, the senior adviser whom Obama tapped to lead the process, and Shailagh Murray, the senior adviser and former newspaper reporter who's specialized in developing unconventional media strategies for this White House. White House principal deputy press secretary Eric Schultz has become the point person for the media approach.

Jarrett's chief of staff, Yohannes Abraham, has been organizing about 125 outside experts, including legal experts, law school deans, former Supreme Court clerks, officials from previous administrations, former elected officials (including dozens of Republicans), civil rights leaders, mayors, union officials, CEOs and environmental leaders.

They've also convened conference calls with leaders broken down by groups. Asian Americans and Pacific Islanders, Latino, African-American, civil rights, small business, state and local elected officials, academics and law school deans, disability advocacy, faith, youth, labor and progressives, women and lawyers.

''The coordinated grassroots effort that has already proven a powerful tool to put

pressure on Republicans will only ramp up,'' said Amy Brundage, a former deputy communications director at the White House currently helping coordinate communications for the outside effort at Dunn's firm. ''That includes events in targeted states with real working Americans pushing Senate Republicans to do their jobs, press events with key Democratic members and groups, and coordinated validator pushes like those with the legal scholars, historians and attorneys general.''

So far, the administration doesn't have a set calendar for each day following the submission of the nomination, but they're developing the plan to accommodate variables such as who the nominee is, what that person's biography includes, and what that person's current job allows for. With the short list reportedly limited to sitting federal judges, there may be less room to maneuver. Judges face more restrictions on their activities than a practicing attorney, academic or politician.

''The formal ethics rules applicable to appellate court judges wouldn't apply to a senator,'' said Indiana University professor Charles Geyh. The standard rules for judicial candidates technically don't apply to Supreme Court nominees, Geyh pointed out. Strategic considerations have led recent nominees to be fairly evasive about their views, but that doesn't preclude trying to keep the spotlight on the nomination.

''I wouldn't hesitate to have cameras at the ready to the extent this person is having doors slammed in his face, using that as a way to embarrass the Republicans, but that's different from having the nominee out there chatting about what he'd do as a judge,'' Geyh said, adding that most of the reticence nominees have shown in recent years ''is all strategic and has nothing to do with ethics.''

Democrats have already been talking about holding unofficial hearings on a potential nomination. Whether the nominee himor herself would attend is an open question, but experts say it would also be within ethical bounds.

''We're entering uncharted waters here. We've never had a situation in which the party in power, in this case the Republicans, were denying even a hearing to the nominee,'' said Nan Aron of the liberal Alliance for Justice.

If the fight stretches into late summer and the Democratic focus turns to an election-focused campaign, the situation gets dicier. A nominee who's a sitting judge would need to steer clear of events where those arguments are being made, and even a non-judge would be wise to do the same.

Conservatives say they're bracing for an aggressive campaign by the White House and Democrats who'll be looking to keep the Supreme Court fight on the front burner. Already, some groups have been circulating opposition research about several of the potential nominees whose names have been most discussed, hitting Sri Srinivasan, Jane Kelly and Ketanji Jackson.

''This is just going to push the boundaries,'' said veteran GOP judicial nominations advocate Curt Levey, now with Freedomworks. ''They can certainly make the meetings with Democratic senators into a show—more of a show than it normally is.''

The White House theory is that if there's enough pressure to get Republicans to cave on a hearing, that will start the ball rolling in a way that'll make winning confirmation a real possibility.

Democrats pounced on Sen. John Cornyn's (R–Texas) promise last week that the Republicans will turn Obama's nominee into a piñata. That raises additional questions about who Obama chooses, since the person will have to endure not just a stranger than normal process, but likely a very negative one. As Cornyn warned, that could be enough to make some potential picks say no. If this fight goes on long enough and the nominee is a judge who'll likely recuse from pending and future cases, the person could be open to attacks of getting paid for not working—or going back to their day job and appearing to throw in the towel.

Levey said he expects the fight will eventually morph into full-blown election politics. ''At some point this is going to turn,'' Levey said. ''It may turn very quickly in terms of the White House giving up whatever little hope they have.''

Mr. HATCH. Furthermore, Madam President, the minority leader has turned his daily remarks on the floor into constant diatribes against the chairman of the Judiciary Committee. These diatribes rank among the most vicious and most personal attacks I have heard on the Senate floor in my nearly four decades in this Senate body. Having myself served as chairman of the Judiciary Committee for more than 8 years, I know that the position is no stranger to controversy and political hardball. But the vile and unfair attacks on Senator GRASSLEY's independence and work ethic have gone too far.

I have had the privilege of serving with Senator GRASSLEY for more than 35 years. I know no one more committed to doing his job. Senator GRASSLEY has not missed a vote in a record-setting 27 years—when he was home in Iowa, touring the awful damage of the Great Flood of 1993—and yet still manages to hold townhall meetings in all 99 of his State's counties every year. He sets the gold standard of service in the Senate.

If anyone knows his mind, it is Senator GRASSLEY. Each of us is entitled to our opinions on issues that come before this body, even controversial ones, but I want to condemn in the strongest possible terms the notion that a difference of opinion with Senate Democrats means that Senator GRASSLEY is compromising his own integrity or the independence of the Judiciary Committee he leads. These attacks come very close to impugning his character, and that sort of behavior is beneath the dignity of this body.

The minority leader came to the floor to seize on the comments of the senior Senator from Texas to manufacture what I consider to be another cheap political attack on the Republican majority. In those comments, Senator CORNYN had speculated that the election-year political environment could, unfortunately, turn any Supreme Court nominee into a political pinata. The minority leader's comments are a total mischaracterization of Senator CORNYN's record of fairness toward nominees of both parties and of Senate Republicans' intentions in this situation. After all, the whole point of deferring the nomination and confirmation process is to limit the mistreatment of any nominee, as Senator CORNYN suggested in his remarks. This unfounded accusation is also deeply ironic, coming from the party that stooped to the character assassination of Robert Bork and Clarence Thomas.

If there is anyone who has been treated like a piñata in this debate, it has been Senator GRASSLEY. Now, CHUCK GRASSLEY is as tough as they come, and I have every confidence that he will weather these attacks. But if these scorched-earth political tactics reflect the length some of the Democratic minority are prepared to go in an election-year confirmation battle, there can be no better illustration of why we should defer this process.

Madam 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.

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

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

Ms. WARREN. Madam President, today the Senate will vote on the confirmation of Dr. John King to be the next Secretary of Education. While there is only 1 year left in the Obama Presidency, this is still one of the most important jobs in Washington because the Department of Education has a powerful set of tools available that it can use to stand up for people who are struggling with student loan debt and tools to help make a quality, affordable college education a reality for millions of Americans.

Secretary of Education must be one of the most difficult jobs in Washington because for years there has been some kind of problem at the Department of Education that has made it practically impossible to get the Department to put the interests of students ahead of the interests of private contractors and for-profit colleges that are making the big money off our students.

The Department has powerful tools to make sure that fraudulent colleges aren't sucking down billions of taxpayer dollars of student loans. But for the most part, these tools gather dust on the shelf while shady institutions like Corinthian Colleges spend years gobbling up taxpayer money while they defraud their own students.

The Department has powerful tools to help students when they get ripped off by fraudulent colleges. But for years, it has been like pulling out your own teeth simply to get relief for the victims who got cheated by for-profit colleges like Corinthian.

There are literally dozens of examples of how the Department of Education's trillion-dollar student loan bank has been putting profits for these companies and for-profit colleges ahead of the needs of students. One of the worst has been the bank's approach to overseeing the student loan servicing companies that are paid by the government to collect student loan payments.

Consider the case of Navient, a student loan servicer that got caught redhanded ripping off tens of thousands of

active duty members of the military. Two years ago, the Department of Justice and the FDIC fined the company $100 million for breaking the law and overcharging our active duty military on their student loans. But the Department of Education didn't take any action against Navient. Instead of following the lead of the Justice Department and using the Justice Department's evidence—no, the Department of Education announced its own separate review of whether soldiers were harmed.

A year later, they released their results, and notwithstanding the fact that Navient was already sending checks to thousands of servicemembers under the DOJ and FDIC agreement, the Department of Education student loan bank concluded that everything was just fine, and the Department's bank had no need to impose any additional fines or restrictions on Navient. In fact, things were so fine that the Department's bank rewarded Navient by renewing a $100 million contract.

If that sounds stinky to you, it should. The Department's inspector general took a close look at what was going on over at the Department's bank, and 2 weeks ago they released a scathing report on the bank's whitewash. The IG slammed the Department for a report that was a complete and utter mess, loaded with errors, calling for ''inconsistent and inadequate actions.'' The IG concluded that the Department of Education's happy-face press release announcing that everything was fine with the servicer was ''unsupported and inaccurate.''

When a private company breaks the law and steals from American soldiers who are literally in the field fighting overseas, those companies should be held accountable. The Justice Department held Navient accountable. The FDIC held Navient accountable. But the Department of Education's bank decided it was more important to protect Navient than to watch out for our military students.

Let's not mince words. The Navient fiasco is outrageous, but it is not surprising. At a Senate hearing 2 years ago, I asked James Runcie, who runs the Department of Education's student loan bank, how he could turn around and renew the contract of a company like Navient that had just copped to ripping off American soldiers. His answer, essentially, was that moving borrowers away from Navient would simply be too disruptive. Senator Harkin said at the time that sounded an awful lot like too big to fail. And Senator Harkin was right. So long as that theory remains the operating principle of the Department of Education, the American people can forget about the law because there will be no real limits on how much money big private companies and large fraudulent schools can steal from students and taxpayers.

Dr. King didn't create any of these problems. These problems have grown and festered over a long time, and they won't be easy to solve. For several weeks now Dr. King and I have talked about these issues, and I believe he understands the magnitude of the task he faces. He has committed in no uncertain terms to a top-down review of the way the student loan program is administered and the way the Department oversees financial institutions. He has announced that he will force all of the major student loan servicers to review their records and make refunds to all members of the military who were illegally ripped off. And he has embraced strong, new proposals to protect borrowers who are taken in by fraudulent colleges so they can get their money back.

These are serious steps in the right direction. For those reasons, I will vote for him today, but let's be clear that this is not the end of the story. Dr. King has an enormous amount of work to do to get the Department's higher education house in order, and the American people will be watching closely for results.

One of the first things that must be done is a total reform of student loan servicing to make sure nothing like the Navient disaster ever, ever happens again. Here are five simple principles that should guide that reform:

First, put students and families first—every time, every decision. The Department exists to serve students, not student loan companies. It is time they acted like it.

Second, punish bad actors. Navient broke the law and cheated soldiers, but the Department bent over backward to protect them. Right now Navient owes the Federal Government $22 million it stole in another scam, and the Department hasn't even bothered to collect it. The Department needs to show it is willing and able to punish companies that break the rules, and that includes kicking them out of the student loan program if necessary.

Third, change the financial incentives for servicers. Two years ago, the Department renegotiated the servicer contracts and basically ended up paying the companies more money for the same bad outcomes. No more. Our country pours millions of tax dollars into these companies, and it is time to leverage those dollars to make sure the companies are working for students.

Fourth, release more data. The Department of Education adamantly refuses to share basic data about the student loan program with anyone, even other folks within the Department of Education. That means nobody—nobody—can even see how this bank is being run. It is time for some sunshine.

Fifth, take responsibility for aggressive oversight of student loan servicers. The Department needs to act before this problem metastasizes, and when the Department doesn't have the tools to act, it needs to get out of the way and let the CFPB or other Federal agencies do their jobs.

Five simple principles. Everyone in government who is serious about standing up for the tens of millions of student loan borrowers in this country should embrace them because we shouldn't be running the student loan program to create profits for private companies. We should run it for students.

We are facing a crisis in higher education. Student debt is exploding, crushing our young people and threatening the economy. Opportunity is slipping away from millions of Americans. The time for reform is now—not in the next Presidency, not 5 years from now but now. Reform starts with the Department of Education, and if he is confirmed today, it is my strong hope that Dr. King will make fixing these problems a top priority from his first day on the job to his last day on the job.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. 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. LEE. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Mr. President, last week the Senate Health, Education, Labor, and Pensions Committee voted to advance President Obama's nominee for Secretary of Education, Dr. John King. Tonight the nomination is set to come before the Senate not for a robust debate but for a hasty vote, and by all accounts confirmation is expected.

I rise to oppose the nomination of Dr. King and to urge my colleagues to join me in voting against his confirmation as Secretary of Education. I have studied Dr. King's professional record—most notably, his time in New York's Department of Education. I have reviewed the transcripts of his confirmation hearing. Based on the policies he has supported, the bipartisan opposition he has invited throughout his career, and his uncompromising commitment to the designs of bureaucrats and central planners over the lived experiences of parents and teachers, I believe it would be a grave error for the Senate to confirm Dr. King's nomination at this time.

Indeed, I believe it would be difficult for anyone to support Dr. King's nomination on the basis of his record. The problem is not that Dr. King lacks experience. On paper, you might even think that Secretary of Education is the natural next step in his career. After 3 years as a teacher and a brief stint at managing charter schools, Dr. King has risen through the ranks of the education bureaucracy, climbing from

one political appointment to the next, but do we think that someone who has spent more time in a government agency than in a classroom is best suited to oversee Federal education policy? More to the point, what matters aren't the jobs someone has held but the policies that person has advanced. This is the problem with Dr. King's nomination.

Look closely at his record, especially look closely at the 3½ years he spent as New York's education commissioner, where he forced on an unwilling school system unpopular Common Core curriculum and standards, an inflexible testing regime, and a flawed teacher evaluation system.

All of this proves that Dr. King is the standard bearer of No Child Left Behind—the discredited K–12 regime that has become synonymous with dysfunctional education policy in classrooms and households all across America. This is not just my opinion. It was the opinion of New York's parents, teachers, legislators, school board members, and superintendents. The vast majority of them opposed and protested against Dr. King and the policies he championed while at the helm of the State's education department.

This Congress and President Obama have promised to move Federal education policy in the opposite direction established by No Child Left Behind. Under these circumstances, Dr. King—the embodiment of the failed K–12 status quo—is not the person who should be put in charge of the Department of Education. If confirmed, Dr. King would serve as the head of the Department of Education for 10 months, until January 2017, when the next President is sworn into office. This may sound like an insignificant amount of time for a Cabinet Secretary to serve, but in reality the next 10 months are crucially important to the future of Federal education policy in America.

Just a few months ago, Congress passed and President Obama signed the Every Student Succeeds Act, or ESSA—a bill that reauthorized the law governing Federal K–12 education policy. Now the Department of Education will begin implementing the ESSA, which will set the course of the Department for years to come. So what happens over the next 10 months within the Department of Education will have sweeping, far-reaching consequences for America's schools, teachers, and students—consequences that will affect not just the quality of education students receive as children but the quality of life available to them as adults.

One of the most serious flaws of the ESSA, and one of the primary reasons I voted against the bill, is that it reinforces the same K–12 model that has trapped so many kids in failing schools and confined America's education system to a state of mediocrity for half a century. This is a model that concentrates authority over education decisions in the hands of Federal politicians and bureaucrats instead of parents, teachers, principals, and local school boards.

There is no government official who is granted more discretion or more authority under the ESSA than the Secretary of Education. The ESSA purports to reduce the Federal Government's control over America's classrooms by returning decisionmaking authority to parents, educators, and local officials. For instance, there are several provisions that prohibit the Secretary of Education from controlling State education plans or coercing States into adopting Federal standards and testing regimes, but when you look at the fine print, you see that in most cases these prohibitions against Federal overreach contain no enforcement mechanisms—only vague, aspirational statements encouraging the Secretary to limit his own powers.

So the question is, If confirmed as Secretary of Education, would Dr. King adhere to the spirit of the ESSA and voluntarily return decisionmaking authority to parents, teachers, and local officials? There is little reason to believe he would.

Dr. King's former boss and would-be predecessor, Arne Duncan, certainly had no qualms about violating similar prohibitions against Federal overreach found in No Child Left Behind, nor has he shied away from advertising the fact that ESSA would function in much the same way as No Child Left Behind.

In an interview with POLITICO, Duncan discussed whether the ESSA would, in fact, reduce the Federal Government's control over America's classrooms. He was asked: ''How do you respond to the notion that you've had your wings clipped on your way out the door?'' This was Duncan's response: ''Candidly, our lawyers are much smarter than many of the folks who were working on this bill.''

In other words, Congress can write whatever bill it wants, and the administration's lawyers will be able to figure out a way to implement it according to the preferences of the Cabinet Secretaries and their armies of bureaucrats. This is certainly a brazen admission of bureaucratic arrogance by former Secretary Duncan, but it is exactly in line with the way Dr. King approached his job as education commissioner of New York just a few years ago.

Under Dr. King's leadership, New York became one of the first States to implement Common Core standards and testing requirements starting in 2011. Dr. King was one of the only education commissioners in the country to insist on rolling out the tests before teachers had been given adequate time to adapt to the new curriculum imposed by Common Core. To the surprise of no one—except perhaps for Dr. King—the results were a disaster.

The 2013 Common Core tests only widened the achievement gap and sparked the Opt Out movement in New York, which mobilized 65,000 students to opt out of the Common Core tests in 2014 and more than 200,000 students to opt out in 2015. To make matters worse, around the same time teachers were being forced to test their students on material they hadn't been given time to incorporate into their curriculum, Dr. King implemented a teacher evaluation system that relied heavily on these distorted student test scores. This evaluation system was so unpopular that in 2014 one of New York's teachers unions called for Dr. King's resignation.

What is most troubling about Dr. King's tenure as education commissioner isn't that he centralized decisionmaking authority within the State's education department, imposing one-size-fits-all policies across a diverse school system. Plenty of education commissioners are guilty of the same, if not worse. No, the real problem with Dr. King's record is that he routinely and apparently as a matter of policy ignored the advice and feedback of teachers, parents, principals, and school board members. Even as his centrally planned house of cards was tumbling down around him, Dr. King stayed the course, believing against all evidence that when it comes to running a classroom, bureaucrats and politicians know better than teachers, parents, and local school boards.

When the Senate confirms a Presidential nominee, we are doing more than just approving a personnel matter; we are accepting, to a degree, what that nominee stands for. As we consider this nomination, we must ask ourselves, what kind of policy do the American people want? What kind of policy do America's elementary and secondary students deserve? We know that local control over K–12 and even pre-K education is more effective than Washington, DC's, prescriptive, heavy-handed approach because we have seen it work in communities all across the country. The point isn't that there is a better way to improve America's schools but that there are 50 better ways, thousands of better ways, but Washington is standing in the way, distrustful of any alternative to the top-down education status quo. And under the leadership of Dr. King, Washington's outdated, conformist policies will continue to stand in the way. America's students deserve better than this. The least we can do is to not accept the failed status quo.

I urge all of my colleagues to join me in voting against this nomination.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes before the vote, to be followed by Senator MURRAY for as much time as she may require, and then we will have a vote.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 5 minutes following Senator ALEXANDER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, the Senator from Utah has given an excellent speech about why it would be a good idea to have a Republican President of the United States, but we don't have one.

The reason we are voting today is because we need a U.S. Education Secretary confirmed by and accountable to the U.S. Senate so that the law to fix No Child Left Behind will be implemented the way Congress wrote it.

In December, at the ceremony where President Obama signed the Every Student Succeeds Act, the new law to fix No Child Left Behind, I urged the President to send a nominee to the Senate to be the Education Secretary to replace Arne Duncan. Without that, we would have gone a whole year without a leader of that Department confirmed by and accountable to the U.S. Senate. I made that recommendation to the President because this is such an important year for our 100,000 public schools and the 50 million students who are in those schools. We need an Education Secretary who is confirmed and accountable to Congress while we are implementing a law that may govern elementary and secondary education for some time. I want to be sure we are working together to implement the law the way Congress wrote it. That law was passed with broad bipartisan support. It passed the U.S. Senate by a vote of 85 to 12. It passed the House of Representatives by a vote of 359 to 64.

We achieved that result because, as Newsweek said, No Child Left Behind was a law everybody wanted fixed and fixing it was long overdue. Governors, teachers, superintendents, parents, Republicans, Democrats, and students all wanted No Child Left Behind fixed. Not only was there a consensus about the need to fix the law, there was a consensus about how to fix it, and the consensus was this: Continue the important measures of academic progress of students, disaggregate the results of those tests, report them so everyone can know how schools, teachers, and children are doing, but then restore to States, school districts, classroom teachers, and parents the responsibility for deciding what to do about those tests and about improving student achievement.

This new law is a dramatic change in direction for Federal education policy. In short, it reverses the trend toward what had become a national school board and restores to those closest to children the responsibility for their well-being and academic success.

The Wall Street Journal called the new Every Student Succeeds Act ''the largest devolution of federal control of schools from Washington back to the states in a quarter of a century.''

I suppose you could say it didn't go far enough, but that would be like standing in Nashville and waiting 7 years to hitchhike to New York City, and when somebody offers you a ride to Philadelphia, you say: I think I will wait another 7 years. I think I would take the ride and then see if I could get another ride to New York City, and that is what 85 U.S. Senators thought when they voted for this.

There is no group more interested in restoring responsibility to States than the Nation's Governors. The Governors gave our new law the first full endorsement of any piece of legislation since their endorsement of welfare reform 20 years ago in the U.S. Congress.

I believe the law can inaugurate a new era of innovation and student achievement by putting the responsibility for children back in the hands of those closest to them: the parents, classroom teachers, principals, school superintendents, school boards, and States.

The Senate Education Committee, which I chair and on which the Senator from Washington is the senior Democrat, will hold at least six hearings to oversee implementation of the new law. All of those hearings will be bipartisan, as our hearings almost always are. We already held the first hearing on February 23 with representatives of many of the groups who worked together to pass the law, and now they are working together to implement the law. They already formed a coalition made up of the National Governors Association, the School Superintendents Association, the National Education Association, the American Federation of Teachers, the National Conference of State Legislatures, the National Association of State Boards of Education, the National School Boards Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Parent Teacher Association, with the support of the Chief State School Officers.

They sent Dr. King a letter saying:

> Although our organizations do not always agree, we are unified in our belief that ESSA is an historic opportunity to make a world-class 21st century education system. And we're dedicated to working together at the national level to facilitate partnership among our members and states and districts to guarantee the success of this new law.

They go on to say:

> That new law replaces a top-down accountability and testing regime with an inclusive system based on collaborative state and local innovation. For this vision to become a reality, we must work together to closely honor congressional intent: ESSA is clear. Education decisionmaking now rests with the states and districts, and the federal role is to support and inform those decisions.

You may say something different, but you are disagreeing with the Governors, the school superintendents, the NEA, the AFT, the State legislatures, the State boards of education, the National School Boards Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the National Parent Teacher Association.

Our first oversight hearing with Dr. King will be April 12.

Some have objected to this nomination on the grounds that Dr. King was supportive of common core when he was education commissioner in New York State. I want those who are worried about that to know that this new law has ended what had become, in effect, a Federal common core mandate. More than that, it explicitly prohibits Washington, DC, from mandating or even incentivizing common core or any other specific academic standards. That is in the law. What standards to adopt entirely up to States, local school boards, and classroom teachers.

Here is what Senator ROBERTS of Kansas, who wrote this part of the law, asked Dr. King at our hearing on February 25:

> I know that we have differences on Common Core. I don't want to get into that. But it is part of the existing legislation in law. And I want to be absolutely clear, the language says, no officer or an employee of the federal government, including the secretary, shall attempt to influence, condition, incentivize or coerce state adoption of the Common Core state standards or any other academic standards common to a significant number of States or assessments tied to such standards.

Senator ROBERTS continued:

> I know that we, again, have differences. But nevertheless, will you give us your commitment that you will respect the intent as well as the explicit binding letter of that prohibition?

Dr. King said: ''Absolutely.''

That is why we needed a confirmation hearing. That is why we need to have a confirmed Secretary of Education.

In my questions to Dr. King, I said this about my exchanges at an earlier hearing with Dr. Tony Evers, the Wisconsin State superintendent of public instruction, who is also the president of all the chief state school officers. I said to Dr. Evers:

> Do you read the new law to say that if Wisconsin wants to have Common Core, which it does, I believe, that it may? If it does not want to have Common Core, that it may not? That if it wants part of Common Core or more than Common Core, it can do that? It simply has to have challenging academic standards that are aligned to the entrance requirements for the public institutions of higher education in the state.

The superintendent said he agreed with that.

In other words, to be blunt, it doesn't really make much difference what Dr. King thinks of common core. Under the law, he doesn't have anything to do with it. He doesn't have anything to do with whether a State adopts it or whether a State chooses not to adopt it.

The new law also ended the practice of granting conditional waivers, through which the U.S. Department of Education has become, in effect, a national school board for more than 80,000 schools in 42 States. Governors have been forced to come to Washington to play ''Mother, may I?'' in order to put in a plan to evaluate teachers or help a low-performing school, for example. That era is over. It ends the ''highly qualified teacher'' definition. It ends the teacher evaluation mandate. It

ends the Federal school turnaround models, Federal test-based accountability, and adequate yearly progress. Those decisions—after all the reports are made about how schools, teachers, and children are doing—will be made by those closest to the children. The new law moves decisions about whether schools, teachers, and students are succeeding or failing from Washington, DC, and back to States and communities, where those decisions belong.

In conclusion, please permit me to add a personal note. This day is actually 25 years to the day since I was confirmed as the U.S. Education Secretary. I believe the Senator from Indiana was on the Education Committee at that time. But here is the difference: Under a Democratically controlled Senate, my nomination took 87 days from the day it was announced and 51 days from when the nomination was formally submitted to the Senate. Under a Republican-controlled Senate, Dr. King's nomination has taken 32 days. His nomination was announced and formally submitted on February 11.

Let me conclude the way I started. The reason we are voting today is that we need an Education Secretary confirmed by and accountable to the U.S. Senate so that the law that 85 of us voted for to fix No Child Left Behind is implemented the way we wrote it. This vote is not about whether one of us would have chosen Dr. King to be the Education Secretary. Republicans won't have the privilege of picking an Education Secretary until we elect a Republican President of the United States. What we need is an Education Secretary confirmed by and accountable to the U.S. Senate so that the law to fix No Child Left Behind will be implemented the way we wrote it.

I urge my colleagues to vote yes. I conclude my remarks, but I want to do so with thanks to the Senator from Washington, Mrs. MURRAY, who played such a crucial role in passing the law fixing No Child Left Behind.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor as well today to speak in support of Dr. John King's nomination to serve as Secretary of Education.

This is really an important time for students when it comes to early learning. We have seen improvements, but we have much more to do to expand access to high-quality preschool so more of our kids can start school on strong footing.

This is a critical moment as well, as we just heard, for K–12 education as schools and districts and States transition from the broken No Child Left Behind to the bipartisan Every Student Succeeds Act that the President signed into law late last year.

I hear all the time from students and families who are struggling with the high cost of college and the crushing burden of student debt. With all of these challenges and opportunities, the Department of Education will need strong leadership, and I am glad President Obama has nominated Dr. John King who is currently serving as Acting Secretary of the Department.

I want to commend Senator LAMAR ALEXANDER, chairman of our HELP Committee, for moving forward with Dr. King's nomination in a timely and bipartisan manner in our committee. I also appreciate Majority Leader MITCH MCCONNELL for bringing this nomination to the floor.

Dr. John King has a longstanding commitment to fighting for kids. Through his personal background, he knows firsthand the power that education can have in a student's life. He has enriched students' lives as a classroom teacher and as a principal. He has worked with schools to help close the achievement gap. And he served as the commissioner of education for New York State for 4 years. No one can question his passion for our Nation's young people.

This administration has a little less than a year left in office, but that is still plenty of time to make progress in several key areas, and that progress is more likely with a confirmed Secretary in place at the Department.

In higher education, I, along with my Democratic colleagues, will continue to focus on ways to make college more affordable, reduce the crushing burden of student debt that is weighing on so many families today, and continue working to fight back against the epidemic of campus sexual assaults and violence.

I would also like to see the Department take new steps to help protect students who are pursuing their degrees. As one example, students like those who went to Corinthian Colleges, have the right to seek loan forgiveness if they attended a school that engaged in deceptive practices. I am really pleased the Department has a new proposal to set up a simple way for students to get relief. And all borrowers should receive the highest levels of customer service and protections under the law, particularly our servicemembers and our military families. This is an issue I and others have raised directly with Dr. King during his confirmation and one where we are finally seeing the administration make progress.

The role of Education Secretary has become especially important as the Department begins implementing the Every Student Succeeds Act. I expect the Department to use its full authority under the Every Student Succeeds Act to hold our schools and States accountable, to help reduce the reliance on redundant and unnecessary testing, and to expand access to high-quality preschool.

A good education can be a powerful driving force for success in our country and help more families live out the American dream. That is what makes education such a vital piece of our work to help our economy grow from the middle out, not from the top down. I hope to partner with Dr. King as Secretary of Education to work toward that shared goal.

I urge all of our colleagues today to support his nomination.

Thank you.

I yield the floor.

Mr. ALEXANDER. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the King nomination?

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Ohio (Mr. PORTMAN), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SESSIONS), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 40, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—49

Alexander	Feinstein	Murphy
Baldwin	Franken	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Boxer	Hirono	Reid
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Cassidy	Manchin	Tester
Cochran	Markey	Udall
Collins	McCaskill	Warren
Coons	McConnell	Whitehouse
Cornyn	Menendez	Wyden
Donnelly	Merkley	
Durbin	Mikulski	

NAYS—40

Ayotte	Gardner	Perdue
Barrasso	Gillibrand	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Heller	Sasse
Capito	Hoeven	Scott
Coats	Inhofe	Shelby
Corker	Isakson	Sullivan
Cotton	Johnson	Thune
Crapo	Lankford	Tillis
Daines	Lee	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	
Fischer	Paul	

NOT VOTING—11

Brown	McCain	Sessions
Cruz	Portman	Toomey
Flake	Rubio	Warner
Kirk	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

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.

Mr. MERKLEY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, I object. Reserving the right to object, I would say to the majority leader that we are about to enter a topic where people have strong opinions, and they should be able to speak what amount they desire and not be limited to 10 minutes.

Mr. MCCONNELL. Mr. President, I am not sure what the question of the Senator from Oregon is related to. I was simply going to commend the Senator from Louisiana for presiding over the Chamber for 100 hours—not a terribly controversial thing, I don't think.

Mr. MERKLEY. And I certainly don't object to the Senator doing that. But as we go into morning business, there is no need to put a 10-minute limit to accomplish that.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GOLDEN GAVEL AWARD

Mr. MCCONNELL. Mr. President, I would like to say a word to Senators about our colleague currently in the chair. He has just passed an important milestone. He has now presided over the Senate for 100 hours. We all know what that means. He will be receiving the Golden Gavel, and I look forward to presenting it to him tomorrow.

Presiding over the Senate may not seem the most glamorous job around here to some people, but it is an important one. You learn a lot about procedure, you learn a lot about your colleagues, and because the use of electronic devices is prohibited, you rediscover the lost art of communicating with a pen and a piece of paper. I think we could all stand to benefit from that kind of practice.

Today's Golden Gavel recipient often dashes off notes for pages to bring to his staff while in the chair, and because today's Golden Gavel recipient is a doctor, it also takes his staff about 3 hours to decipher each of the notes he writes.

Here is the bottom line for our friend from Louisiana. Being in the chair reminds him of all the history in this Chamber. It brings to mind the many important decisions that have been made here over the years, and it gives him perspective.

''Every now and then,'' Senator CASSIDY says, he likes to just ''soak up the moment.'' I hope he will take the opportunity to do so now. He is the first Member of the class of 2014 to earn the Golden Gavel distinction, and all of our colleagues are pleased to acknowledge this accomplishment.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the body the message to accompany S. 764.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 764) entitled ''An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes,'' do pass with an amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 3450

Mr. MCCONNELL. I move to concur in the House amendment to S. 764 with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 764 with an amendment numbered 3450.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

MOTION TO REFER

Mr. MCCONNELL. I move to refer the House message on S. 764 to the Committee on Commerce.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the bill, S. 764, to the Committee on Commerce, Science and Transportation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

IMMIGRATION ENFORCEMENT

Mr. GRASSLEY. Mr. President, I want to pay tribute to Sarah Root, a young woman from Iowa who had a very bright future but was taken from this Earth too soon.

Sarah was 21 years old and just graduated from Bellevue University with perfect grades. In the words of her family, ''She was full of life and ready to take on the world.''

According to a close friend of hers, Sarah was smart, outgoing, and dedicated to her friends and family. She embodied the words that were tattooed on her body: ''Live, laugh and love.''

The day Sarah graduated, she was struck by a drunk driver. That driver was in the country illegally. The alleged drunk driver was Edwin Mejia, and he had a blood alcohol content of .241, three times the legal limit. The driver was charged with felony motor vehicle homicide and operating a vehicle while intoxicated on February 3. Bail was set at $50,000, but he was only required to put up 10 percent. So for a mere $5,000, the drunk driver walked out of jail and into the shadows. As Sarah's father said, after laying his daughter to rest, ''The cost of a bond cost less than the funeral.''

Those are painful words to hear, but what is more frustrating is that the driver should have never been released. When local law enforcement apparently asked the Federal Government—specifically U.S. Immigration and Customs Enforcement—to take custody of the person, the Federal Government declined. ICE refused to place a detainer on the driver. An ICE spokesman stated that the agency did not lodge a detainer on the man because

his arrest for felony motor vehicle homicide ''did not meet ICE's enforcement priorities.''

Now the Root family must face the consequences of the Federal Government's inaction while grappling with their daughter's death. It is difficult for the family to have closure since the man is nowhere to be found. It is unknown if he is still in the United States or if he has fled to his home country of Honduras, but this is not an isolated incident. It is business as usual in the Obama administration. Because of the administration's policies and carelessness, Sarah Root became another victim. Once again, this case shows that there is a colossal and systematic breakdown of immigration enforcement thanks to the Obama administration's flawed policies and lack of commitment to the rule of law.

Unfortunately, a talented young lady whose life was cut short, who didn't have an opportunity to take on the world, is a story all too common. Under President Obama's Priority Enforcement Program, a person in the country illegally will only be detained or removed in a few limited circumstances. Some say that nearly 90,000 undocumented immigrants were released in 2015 thanks to this policy.

Secretary Jeh Johnson has claimed that only those who have laid down roots and do not have serious crimes would not be subject to removal. Yet their words don't match up with their actions. Local law enforcement, such as those in Omaha, NE, have asked the Federal Government to take custody of certain individuals, but the agency in charge refuses. It hides behind their so-called priorities.

The President has a constitutional duty to ''take care that the laws be faithfully executed.'' The Constitution does not say the President shall make a list of which criminals would be punished or removed and which criminals may go about their lives. The Obama administration may not agree with the laws that Congress passes, but that has no bearing on its responsibility to make sure the laws are faithfully carried out.

The administration claims it is well within its constitutional duties under the doctrine of prosecutorial discretion. However, this administration's approach of announcing its priorities and only enforcing the laws on individuals who fall under its priorities is both unusual and obviously an abuse of prosecutorial discretion.

This is unusual to prosecutorial discretion because prosecutors do not usually announce their priorities or when they will exercise prosecutorial discretion. A liberal law professor and immigration attorney, Peter Margulies, explained that prosecutors strive ''to keep prospective lawbreakers in the dark.'' He explains that if prosecutors' discretion priorities are not kept secret, they ''would effectively license the wrongdoing.''

He then went on to give an example in the case of a burglary. He said:

> When an admitted burglar is youthful and the burglar's ''take'' is relatively modest, judges may not wish to sentence an offender to prison, and may look with favor on a plea bargain that reflects this sentiment. However, it would be difficult to imagine prosecutors soliciting applications from known burglars for a ''burglar's holiday'' that would guarantee a specific period of immunity.

In other words, it is as ridiculous to let people contemplating illegally migrating to the United States know they will get a pass under certain conditions as it would be to let people contemplating burglary know they would be let off the hook if they met certain qualifiers.

Consider the drunk driver who killed Sarah Root. What message does this send to people who make a conscious decision to get behind the wheel after drinking? What this case says is that drunk driving—unless convicted—is not a serious enough offense to force removal proceedings. This is moral hazard. Hence, this administration's Priority Enforcement Program is creating a moral hazard and given license to illegal activities.

Sarah Root is one of many victims in the past few weeks who died at the hands of undocumented immigrants. In Louisville, KY, Chelsea Hogue was put into a coma when Jose Aguilar, an undocumented person, hit her while driving under the influence of alcohol. ICE issued a detainer and did not take custody of Aguilar but released him a day later, again because he had ''no prior significant misdemeanor or felony conviction.''

Then there is Esmid Pedraza, who had been transferred to ICE in August of 2013 after serving time for driving under the influence. However, he was let go on bond because of limited detention space. This is what ICE said at that particular time:

> Due to limited availability of detention space, ICE prioritizes the use of its immigration detention beds for convicted felons, known gang members, and other individuals whose conviction records indicate they pose a likely threat to public safety.

This is ironic, given that the administration has failed to live up to the mandated detention bed limit that Congress sets every year.

Just a little over 2 years after his drunk driving offense, Pedraza was charged with the murder of his girlfriend Stacey Aguilar. Then on March 8, an individual illegally present in the United States allegedly murdered five people in Kansas and Missouri. The suspect entered the country in 1993, committed a series of crimes, and was removed from the United States in 2004. He attempted to illegally enter again the same month but was given ''voluntary return.'' However, he returned at some point and continued his criminal ways. The suspect had been arrested and charged with numerous crimes, including communicating a threat with intent to terrorize; battery of a spouse; several driving without a license offenses; a subsequent felony conviction for communicating a threat with intent to terrorize, reportedly based on his threat to kill his wife with a rifle, for which he was sentenced to incarceration for 2 years; two arrests for driving under the influence, which produced one conviction; and a conviction for domestic battery.

On at least two occasions, ICE was notified of the suspect but, for various reasons, did not take custody of that person. That was a major failure between the Feds and local law enforcement.

People are illegally entering the country, being removed, entering again, and committing more crimes. Illegal reentries are happening because there are no consequences. That is what happened in Kate Steinle's death, and that is why we need to move to what is called Kate's Law. That bill would deter people from illegally reentering by enhancing penalties and establishing new mandatory minimum sentences for certain individuals with previous felony convictions.

The Obama administration cannot continue to turn a blind eye to sanctuary communities and ignore those who have broken our laws by illegally crossing the border time and again.

How many more people have to die? How many more women—like Kate Steinle, Sarah Root, Chelsea Hogue, and Stacey Aguilar—are going to be taken from their families and friends? The parents of these young women are grieving today, yet their stories fall on deaf ears at 1600 Pennsylvania Avenue.

Things have to change. The President must rethink his policies and must find a way to ensure that criminal immigrants are taken off the streets. The Obama administration should try enforcing the law, instead of its priorities, for the sake of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from New Jersey.

(The remarks of Mr. MENENDEZ pertaining to the introduction of S. 2675 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MENENDEZ. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my colleague has brought to our attention a very crucial issue. We need to be there for each other. That is what makes America great—when we are there for each other.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 2674 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. BOXER. I yield the floor.

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. 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.

TRIBUTE TO KIM DINE

Mr. REID. Mr. President, today I wish to recognize the extraordinary work of United States Capitol Police Chief Kim C. Dine, who served with distinction for more than 3 years with the department.

Chief Dine, who has over 40 years of distinguished service in the field of law enforcement, was sworn in as the eighth chief of police of the United States Capitol Police in December 2012. As chief, he commanded a force of nearly 2,000 sworn and civilian personnel who provide comprehensive law enforcement, security, and protective operations services for the U.S. Congress, its staff, and more than 11 million annual visitors. Chief Dine also served as an ex-officio member of the Capitol Police Board.

Chief Dine's outstanding dedication to duty shined during a tenure that included a Presidential inauguration, the historic visit of Pope Francis, hundreds of protests, and four State of the Union addresses, as well as overseeing the department's strategic plan update. Chief Dine also oversaw other important events such as the 2013 Ricin incident, Memorial Day and July Fourth concerts, the annual National Peace Officers Memorial Service, the implementation of a new radio system, and the tragic line-of-duty death of Sergeant Clinton Holtz.

Chief Dine's outstanding policing career began in 1975 at the Metropolitan Police Department, MPD, in Washington, DC, where he spent 27 years, rising through the ranks to an appointment as an assistant chief of police. During his MPD career, Chief Dine worked in many diverse neighborhoods across Washington, DC, as well as serving in a broad range of organizational assignments throughout the agency, gaining expertise in critical aspects of policing and crime reduction strategies. His accomplishments included building community coalitions, honing community policing strategies, developing juvenile crime prevention programs, and initiating use of force training and internal investigations.

During his tenure as MPD's First District commander—an area encompassing Capitol Hill and downtown Washington, DC—homicides declined by 60 percent and community policing flourished. His last assignment as assistant chief included command over internal affairs, force investigation teams, the disciplinary review division, the Office of Equal Employment Opportunity, and management of the memorandum of agreement between MPD and the U.S. Department of Justice to institute agencywide reforms.

In July 2002, Dine became the chief of police of the Frederick Police Department, FPD, in Maryland, where he served as chief of police for over 10 years. During his tenure, he and the women and men of the FPD focused on strengthening the relationship between the police and the community, building a new strategy of community policing and intelligence-led policing, improving training, producing the agency's first ever strategic plan, acquiring national law enforcement accreditation, achieving flagship status, and aggressively using technology.

By outreach; marshaling and maximization of resources; acquisition and intelligent use of technology; extensive crime analysis; and aggressive acquisition of grants, FPD was able to combat crime more effectively, build bridges with Frederick's minority communities and deaf community, and make major strides in working with the mental health community through effective partnerships to improve services and minimize use of force issues. Through implementation of cohesive and multifaceted approaches, these efforts resulted in a 10-year record of crime reduction, value-added problem solving, enhanced trust, and communication with all constituents that made meaningful strides in maintaining the high quality of life and pride in Frederick—Maryland's second largest city.

Chief Dine holds a bachelor of arts from Washington College in Chestertown, MD, and a master of science from American University in Washington, DC. Chief Dine's graduate study at American University included study abroad at the University of London Imperial College of Science and Technology Institute on Drugs, Crimes, and Justice in England. Chief Dine is a graduate of the FBI National Academy and a member of a number of organizations, including the Police Executive Research Forum, the International Association of Chiefs of Police, and the Maryland Chiefs of Police Association. He is married to a former NASA scientist and is the proud father of two daughters.

Congratulations on your retirement from public service, and we wish you the very best in your future.

EFFORTS TO FIGHT HUMAN TRAFFICKING AND OPIOID ADDICTION

Mr. LEAHY. Mr. President, I was disturbed to hear Senator MCCONNELL's remarks on the floor last week questioning my commitment to supporting survivors of human trafficking. I think anyone who follows our efforts to stop this terrible crime knows the ridiculousness of that claim. I was particularly surprised to hear it coming from Senator MCCONNELL who, along with Senator GRASSLEY and other Republicans, voted against reauthorizing the Trafficking Victims Protection Act and the Violence Against Women Act—two watershed laws that changed the way this country approaches human trafficking and other violence against women.

I am deeply committed to supporting victims of crime and have been for my entire career. I started out as a prosecutor, and I have never forgotten the terrible crime scenes I saw. Those images serve as a constant reminder of how important it is to do all we can to support survivors and their families. And those efforts must include a commitment to providing real money—not just lip service—to support survivors as they rebuild their lives.

That is why last Congress, as chairman of the Judiciary Committee, I led the effort to reauthorize the landmark Trafficking Victims Protection Act. That historic, bipartisan legislation—and the funds it authorized—signaled our country's commitment to ending all forms of human trafficking, both here at home and around the world. I also led the effort to pass the historic Leahy-Crapo Violence Against Women Act, which included vital updates to help women on college campuses, tribal lands, immigrants, and new protections for those in the LGBT community to ensure that every victim in need gets the lifesaving services they deserve. These impactful laws were enacted 3 years ago, and they are making a real difference in peoples' lives. Senator MCCONNELL may have forgotten about what we did in 2013 to greatly expand protections for victims of violence, but I have not. I will continue fighting for our most vulnerable populations and work across the aisle to make real progress.

I was glad to see the Senate return its attention to the issue of human trafficking this Congress with the Justice for Victims of Trafficking Act, which I supported. However, the Senate should have also passed my bipartisan Runaway and Homeless Youth and Trafficking Prevention Act, critical legislation to prevent trafficking in the first place. That bill would authorize funding to provide shelter and services for some of our most vulnerable kids, kids who are literally walking prey for traffickers. Unfortunately, Senators MCCONNELL and GRASSLEY opposed that effort. Republicans cannot pretend to stand up for the rights of trafficking victims while leaving these children behind. They had a chance to help and they said no. That is not leadership.

Senator MCCONNELL also suggested that I had somehow ignored the opioid epidemic gripping our Nation and my State of Vermont and let the Comprehensive Addiction and Recovery Act ''languish'' in the Judiciary Committee. Again, anyone who knows my record is aware of how focused I am on helping ensure that communities are getting the resources they need to respond to this devastating problem. I have been holding Senate Judiciary Committee field hearings on heroin and opioid addiction since 2008. Long before the Comprehensive Addiction and Recovery Act, CARA, was introduced, I worked to deliver funding—real dollars—for antiheroin task forces

across the country. And when we did first introduce the Comprehensive Addiction and Recovery Act in September 2014, I was an original cosponsor of that legislation and have worked tirelessly to see it enacted.

At the same time, I have worked to change the focus from imposing harsh and arbitrary mandatory minimum sentences on those who abuse drugs to actually providing treatment. I know that bumper sticker slogans and the ''war on drugs'' are failed approaches.

It is unfortunate that Republicans in the Senate are unwilling to put real money behind CARA to ensure its programs will succeed. Just last week, Senator MCCONNELL led the Republican opposition to Senator SHAHEEN's amendment that would have provided emergency supplemental appropriations. Ending this crisis is going to cost money, and it is disappointing that Senator MCCONNELL and other Republicans are not willing to dedicate the resources that are so desperately needed by law enforcement and health care providers throughout this county.

Passing one bill in one Congress is not the answer to addressing the very serious problems facing our communities. It takes a sustained commitment. I am proud of my record to support victims of human trafficking and communities struggling to respond to the opioid epidemic. Unfortunately, too often, Republicans have blocked efforts to provide real funding for these priorities. I will not stop working until we are able to end these scourges.

ADDITIONAL STATEMENTS

ANNIVERSARY OF ASSOCIATED LOGGING CONTRACTORS, INC., OF IDAHO

● Mr. CRAPO. Mr. President, today I wish to recognize the 50th anniversary of the Associated Logging Contractors of Idaho.

The Associated Logging Contractors, Inc., of Idaho, ALC, have an important voice in advocating for policies that support an essential sector of Idaho—the logging and wood hauling industry. Throughout the past 50 years since its organization, the association has worked to serve its purpose of ''developing programs that are instrumental in helping members to reduce costs of operation and to craft creative solutions to problems confronting the industry.'' ALC represents nearly 400 independent logging contractor businesses from across Idaho.

From Endangered Species Act reform, to boosting rural economies, to addressing forest health and much more, the ALC has been involved in a wide range of discussions central to Idaho. I value the organization's and its members' input and involvement in shaping solutions to our natural resources challenges. We have much work ahead, but progress is being made on public lands issues to the benefit of Idahoans and our economy. Positive developments in job opportunities and more timber identified for harvest for the betterment of forest health are the result of the State and Federal Government working more closely with private landowners and the logging community to make progress toward the removal of salvage timber from last year's fires.

While challenging, collaboration is working, and ALC members have been instrumental in advancing this effort. The organization has much to be proud of for its efforts in bringing folks together to achieve solutions and working toward their implementation. Collaboration is difficult but indispensable work, as it brings lasting advancements for habitats, recreation, rural economies, and job production. I have greatly valued ALC member's support of local collaborative efforts.

Congratulations to the members of the Associated General Contractors of Idaho on 50 years of accomplishments. Thank you for your hard work building up our great State and Nation. I wish you all the best for continued success.●

RECOGNIZING CASEY FAMILY PROGRAMS

● Mr. GRASSLEY. Mr. President, I am proud to serve as a co-chair of the Senate Caucus on Foster Youth. Through this caucus and from my time in the Senate, I have learned about the experiences that many young people have faced when entering the foster care system. I have worked to help improve the system by ensuring that children are cared for and that we do all we can to find them safe, loving, and permanent homes. Children should grow up in families, not foster care.

Today, I want to pay tribute to Casey Family Programs. It is the Nation's largest operating foundation focused exclusively on child welfare. Casey is operating in Iowa and all the States to provide strategic consultation, technical assistance, data analysis, and independent research and evaluation. It enjoys a unique partnership with the States by asking what jurisdictions hope to achieve that matches the foundation's mission and working with the State in partnership. Casey Family Programs also provides direct service to children and families in some States, and it is committed to the goal that no child will age out of their care without a caring adult by 2017.

As a senior member of the Senate Finance Committee, I value the research, data, and policy information that Casey Family program shares. They have done so much for States, children, and families since their inception.

This month, Casey Family Programs is celebrating its 50th Anniversary. I want to say congratulations to its board of trustees and leadership for working so hard to reduce the number of youth in foster care. With their help, we are working every day to make sure foster care is a layover, not a destination.●

TRIBUTE TO MICHAEL BROWN

● Mr. HELLER. Mr. President, today I wish to congratulate Michael Brown on his retirement after serving the North Lake Tahoe Fire Protection District, NLTFPD, for over 26 years. It gives me great pleasure to recognize his years of hard work and dedication to creating a safe environment for the communities of Incline Village and Crystal Bay.

Mr. Brown began his career in fire services 37 years ago. In 1986, he joined the NLTFPD as a firefighter and paramedic. Throughout his tenure, he worked diligently, moving up the chain of command, until he left the NLTFPD to serve the Nevada Division of Forestry. He returned to the district in 2003, assuming the role of assistant fire chief. In 2007, Mr. Brown was named fire chief, taking full responsibility for the department and leading his colleagues in fighting fires and providing emergency services. Mr. Brown commanded the department with over 20 years of experience as a paramedic, serving the local communities with unparalleled knowledge. His years of service in responding to all types of emergency and public service situations are invaluable to residents across the Lake Tahoe community. Mr. Brown truly went above and beyond in his role with the NLTFPD.

It is the brave men and women who serve in our local fire departments that help keep our communities safe. These heroes selflessly put their lives on the line every day. I extend my deepest gratitude to Mr. Brown for his courageous contributions to the people of Lake Tahoe. His sacrifice and courage earn him a place among the outstanding men and women who have valiantly put their lives on the line to benefit others.

For the last 50 years, the NLTFPD has provided risk services to residents of Incline Village and Crystal Bay. The department has three stations and provides two staffed ambulances and two reserve ambulances to address needs within the local community. All firefighters serving the NLTFPD are Nevada emergency medical technicians. In addition, the department has over 20 paramedics ready to assist at any time. This department serves as a special resource to the community with the ability to rescue residents in all types of scenarios, including emergencies in snow, water, or in backcountry, in addition to protecting local residents in incidents of fire. In 1982, it also began providing transportation of the sick and injured to various hospitals. This department has shown unwavering dedication to keeping Nevadans of this community safe. We are lucky to have had someone like Mr. Brown leading the way in the department's efforts.

Mr. Brown has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the NLTFPD. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today I ask all of my colleagues to join

me in congratulating Mr. Brown on his retirement, and I give my deepest appreciation for all he has done to make Nevada a safer place. I offer him my best wishes for many successful and fulfilling years to come.

TRIBUTE TO ROSSI RALENKOTTER

● Mr. HELLER. Mr. President, today I wish to recognize Rossi Ralenkotter for his hard work and dedication to the State of Nevada. I would also like to congratulate him on his induction into the Nevada Business Hall of Fame. Mr. Ralenkotter has gone above and beyond in his role with the Las Vegas Convention and Visitors Authority, LVCVA, contributing greatly to the touristic success of our great State.

Mr. Ralenkotter earned his bachelor of science in marketing from Arizona State University in 1969 and obtained his master's degree in business administration from the University of Nevada, Las Vegas in 1971. Prior to working with LVCVA, Mr. Ralenkotter served as a first lieutenant in the U.S. Air Force with the 468th Medical Service Flight. No words can adequately thank him for his service and sacrifices in protecting our freedoms.

He began his career with LVCVA more than 40 years ago, starting his lengthy tenure as a research analyst. From there, Mr. Ralenkotter worked diligently, ascending the chain to the very top. He was named the authority's executive vice president and senior vice president of marketing before taking the role of president and CEO in 2004. As president and CEO, Mr. Ralenkotter launched the LVCVA's ''What happens here, stays here'' branding campaign, one of the most successful in Nevada tourism history.

He also spearheaded the Las Vegas Convention Center District project, further expanding the convention center and increasing Las Vegas's reputation as the leading business destination in the world. He is truly a role model to the local business community, going above and beyond to grow Nevada tourism. As our State continues to flourish as one of the Nation's top destinations, I remain committed to introducing new policies and strengthening existing ones that positively affect Nevada tourism. I am grateful to have allies like Mr. Ralenkotter working toward a similar goal.

Over the past decade, Mr. Ralenkotter has been recognized for his efforts. He was named Co-Brand Marketer of the Year in 2004 by Brandweek Magazine, as one of the 25 Most Influential People in the Meetings Industry by Meeting News in 2005, and as Employer of the Year by the Employee Service Management Association in 2006. He was also recognized by the International Association of Exhibitions and Events with the Pinnacle Award, as well as being inducted into both the U.S. Travel's Hall of Leaders and the Destination Marketing Association International Hall of Fame in 2014. These awards are given to those individuals who have gone to great lengths to grow business and tourism in their communities, and without a doubt, Mr. Ralenkotter's efforts merit each one of these prestigious awards.

For the last 40 years, Mr. Ralenkotter has demonstrated an unwavering commitment to growing Nevada's tourism industry and further establishing its prestige. The State of Nevada is fortunate to have someone of such commitment working towards these goals. Today I ask all of my colleagues to join me in congratulating Mr. Ralenkotter on his induction into the Nevada Business Hall of Fame, and I wish him well as he continues in his efforts for the Silver State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1172. An act to improve the process of presidential transition.

S. 1580. An act to allow additional appointing authorities to select individuals from competitive service certificates.

S. 1826. An act to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James ''Maggie'' Megellas Post Office.

H.R. 1755. An act to amend title 36, United States Code, to make certain improvements in the congressional charter of the Disabled American Veterans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4674. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities'' (RIN3052–AC69) received in the Office of the President pro tempore of the Senate; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4675. A communication from the Acting Administrator of the Livestock, Poultry and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Livestock Mandatory Reporting: Revision of Lamb Reporting Requirements'' ((RIN0581–AD46) (Docket No. AMS–LPS–15–0071)) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4676. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California, Arizona, and New Mexico; Increased Assessment Rate'' (Docket No. AMS–FV–15–0038) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4677. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate'' (Docket No. AMS–FV–15–0034) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4678. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Manpower and Reserve Affairs), received in the Office of the President of the Senate on March 8, 2016; to the Committee on Armed Services.

EC–4679. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Energy, Installations and Environment), received in the Office of the President of the Senate on March 8, 2016; to the Committee on Armed Services.

EC–4680. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Energy, Installations and Environment), received in the Office of the President of the Senate on March 8, 2016; to the Committee on Armed Services.

EC–4681. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Legal Authority Citations for 15 CFR Chapter VII'' (RIN0694–AG84) received in the Office of the President of the Senate on March 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4682. A communication from the President of the United States, transmitting, pursuant to law, a report of the continuation of the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–4683. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Manpower and Reserve Affairs), received in the Office of the President of the Senate on March 8, 2016; to the Committee on Armed Services.

EC–4684. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2016'' (Notice 2016–21) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Finance.

EC–4685. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Consistent Basis Reporting Between Estate and Person Acquiring Property From Decedent'' ((RIN1545–BM98) (TD 9757)) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Finance.

EC–4686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Rul. 2005–3'' (Rev. Rul. 2016–8) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Finance.

EC–4687. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Utility Allowances Submetering'' ((RIN1545–BI91) (TD 9755)) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Finance.

EC–4688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations under IRC Section 7430 Relating to Awards of Administrative Costs and Attorneys' Fees'' ((RIN1545–BX46) (TD 9756)) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Finance.

EC–4689. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Pharmaceutical Science and Clinical Pharmacology Advisory Committee'' (Docket No. FDA–2016–N–0001) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4690. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–323, ''Chancellor of the District of Columbia Public Schools Salary and Benefits Approval Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–4691. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Information Required in Notices and Petitions Containing Interchange Commitments'' (RIN2140–AB13) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4692. A communication from the Assistant General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Toys: Determination Regarding Heavy Elements for Unfinished and Untreated Wood'' (CPSC Docket No. CPSC–2011–0081) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4693. A communication from the Assistant General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Clarify When Component Part Testing Can Be Used and Which Textile Products Have Been Determined Not To Exceed the Allowable Lead Content Limits; Delay of Effective Date and Reopening of Comment Period'' (CPSC Docket No. CPSC–2011–0081) received in the Office of the President of the Senate on March 9, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4694. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–324, ''Protecting Pregnant Workers Fairness Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–4695. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–325, ''Marion S. Barry Summer Youth Employment Expansion Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 742. A bill to appropriately limit the authority to award bonuses to employees (Rept. No. 114–226).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1638. A bill to direct the Secretary of Homeland Security to submit to Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, and for other purposes (Rept. No. 114–227).

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2055. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to national health security.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON (for himself, Mr. JOHNSON, Ms. BALDWIN, Mr. PORTMAN, and Mr. BROWN):

S. 2671. A bill to amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations; to the Committee on Finance .

By Ms. COLLINS (for herself and Mr. KING):

S. 2672. A bill to reauthorize the program of the Department of Veterans Affairs under which the Secretary of Veterans Affairs provides health services to veterans through qualifying non-Department health care providers; to the Committee on Veterans' Affairs.

By Ms. BALDWIN:

S. 2673. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to accelerate the development and deployment of innovative water technologies; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 2674. A bill to authorize the President to provide major disaster assistance for lead contamination of drinking water from public water systems; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BROWN, Mr. BLUMENTHAL, Ms. WARREN, and Mr. BOOKER):

S. 2675. A bill to provide for the adjustment of the debts of the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BROWN, Ms. CANTWELL, Mr. BLUMENTHAL, Ms. WARREN, and Mr. BOOKER):

S. 2676. A bill to provide for the adjustment of the debts of the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. COONS, and Mr. KING):

S. Res. 398. A resolution designating March 15, 2016, as ''National Speech and Debate Education Day'' ; considered and agreed to.

By Mr. SASSE:

S. Con. Res. 33. A concurrent resolution expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandeans, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, and are hereby declared to be committing, ''war crimes'' , ''crimes against humanity'' , and ''genocide'' ; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. CORNYN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 337, a bill to improve the Freedom of Information Act.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 683

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 804

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 804, a bill to amend title XVIII

of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 838

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 838, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 1110

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 1110, a bill to direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

S. 1378

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1378, a bill to strengthen employee cost savings suggestions programs within the Federal Government.

S. 1392

At the request of Mr. MARKEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1392, a bill to require certain practitioners authorized to prescribe controlled substances to complete continuing education.

S. 1890

At the request of Mr. HATCH, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1975

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1975, a bill to establish the Sewall-Belmont House National Historic Site as a unit of the National Park System, and for other purposes.

S. 2042

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alaska (Mr. SULLIVAN), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2289

At the request of Mr. KAINE, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2289, a bill to modernize and improve the Family Unification Program, and for other purposes.

S. RES. 349

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 378

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 378, a resolution expressing the sense of the Senate regarding the courageous work and life of Russian opposition leader Boris Yefimovich Nemtsov and renewing the call for a full and transparent investigation into the tragic murder of Boris Yefimovich Nemtsov in Moscow on February 27, 2015.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 2674. A bill to authorize the President to provide major disaster assistance for lead contamination of drinking water from public water systems; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I rise to address the crisis of lead contamination in drinking water that we are seeing all across this Nation. It is time for us to come together and solve these problems. We have all been outraged by the crisis in Flint, where we know children and families are being poisoned by lead in their drinking water.

My colleagues from Michigan, Senators STABENOW and PETERS, have an excellent bipartisan bill—which Senator INHOFE and I helped to negotiate—that would provide emergency relief to address this crisis. The people of Flint need this relief now. So I call on any of those holding up this bill to get out of the way and let this legislation pass immediately. The crisis in Flint has also brought attention to the broader issue of lead in drinking water in communities throughout our Nation.

I want to read to you some headlines from just the last few weeks. Here is one from the Clarion-Ledger in Jackson, MS: ''Pregnant women, kids cautioned over Jackson water, lead.'' That is February 25, 2016.

From Newsweek: ''With lead in the water, could Sebring, Ohio, become the next Flint?'' That is January, 27, 2016.

From the Associated Press: ''Elevated Lead Levels Found in Newark Schools' Drinking Water.''

In Charlotte, the Charlotte Observer: ''Lead in water not confined to Flint.'' That is January 30, 2016.

Whether it is Flint, MI; Newark, NJ; Jackson, MS; or Durham, NC—or shall I name some places that are going to hit us—the American people have a right to expect clean, safe drinking water when they turn on their faucets.

It is clear that this is a national crisis that demands a national solution going forward. So that is why today I have introduced new legislation, the Lead in Drinking Water Disaster Act. We are doing this because, should there be more Flints, we want to have a better way to move forward.

Currently, the President can declare a major disaster for catastrophes such as hurricanes, tornadoes, earthquakes, tsunamis, storms, droughts, fires, floods, and explosions. Now, sometimes those fires, floods, and explosions are manmade and, yet, we are able to act through FEMA, or the Federal Emergency Management Agency. But lead in drinking water is not on the list of major disasters covered under FEMA's rules.

It is critical that future Presidents do not have their hands tied because the definition of a major disaster does not include lead in drinking water. My bill ensures that a lead-contamination crisis would be considered a disaster, which it clearly is.

Take a look at the color of the water coming out of the fountains here—the faucets. Nobody could face this in their homes. You would get your kids out of there so fast. Current law doesn't think this is a disaster. So I think this simple way I have of moving forward should be attractive to colleagues. I hope they will sign on to this very simple bill.

The way it would work is that the Governor in any State that is hit by this would ask the President for a major disaster declaration. So for all of my colleagues who feel we should process these things through the State, that is exactly what happens in my bill. If the President agrees, FEMA would provide immediate assistance to protect families from lead in the water.

What we do in this legislation is we name several agencies who would help create the plan to address the emergency. It would be, in addition to FEMA, Health and Human Services, the EPA, and the Army Corps of Engineers. They would work together to create a plan to resolve the crisis.

We can see what is happening to the kids in Flint. Instead of doing their afterschool activities—look how sweet they are—they are carrying bottles of water throughout their community.

Look, there is no safe level of lead for children. The effects of exposure are generally irreversible. Lead harms the developing brains and nervous systems of children and babies. It can cause miscarriage, stillbirths, and infertility in both men and women. People with prolonged exposure to lead may be at risk for high blood pressure, heart disease, and kidney disease.

What is the extent of this problem? Millions of homes across America receive water from pipes that date back to an era before scientists knew of the harm caused by lead exposure. While we take steps toward investing in modernizing our water infrastructure, which I hope we will do as we write a new Water Resources Development Act—Senator INHOFE and I are very hard at work in doing just that—we also have to step in and help communities that are in crisis right now.

I want to conclude with this. Again, take a look at the drinking water coming out of the tap. Would anyone in the Senate stand still for a minute if their children or grandchildren were in a situation where this was the drinking water, this was the bathing water? We know there is no way we would ever allow that to happen.

No American should ever have to drink water that puts their health and the health of their children at risk. I hope we take action by passing the emergency legislation by the Michigan Senators this week. The children and families of Flint should not have to wait one more day.

After we pass that measure, which addresses itself just to Flint, MI, I hope we will take up my legislation to help future Presidents address this public health threat, which is going to pop up all over this great Nation of ours. We must be prepared. We cannot tie the hands of this President or any future President.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BROWN, Mr. BLUMENTHAL, Ms. WARREN, and Mr. BOOKER):

S. 2675. A bill to provide for the adjustment of the debts of the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise to be a voice for the 3.5 million American citizens living in Puerto Rico, the 200,000 Puerto Ricans who have served in our Armed Forces in every conflict since World War I, and the 20,000 who currently wear the uniform and put their lives on the line for our country.

I rise to introduce a comprehensive stability and recovery package that restores fairness, ensures accountability, and gives Puerto Rico the tools it needs to dig itself out of this hole. And I rise to implore this Congress to act before it is too late.

Let me thank Senators SCHUMER, BROWN, WARREN, CANTWELL, BLUMENTHAL, and BOOKER for supporting these efforts and working so hard on behalf of the people of Puerto Rico. I also want to thank Congressman PIERLUISI, who coauthored the tax sections of this bill along with parts of the healthcare titles.

Finally, I want to thank Governor Padilla for his incredible leadership on the island and for strongly endorsing our legislation. The people of Puerto Rico are fortunate to have a Governor who cares deeply about their lives and is so dedicated to putting them first and above politics.

Let me put it this bluntly: Puerto Rico is on the brink of default and staring into the abyss. For the better part of the past year, the government has been compelled to take drastic and unprecedented actions just to avoid a total default of the central government. They have closed schools and hospitals, they have laid off police officers and firefighters, and they have raised taxes on businesses and individuals. But all the spending cuts and tax hikes in the world will not make a dent in this crisis unless Puerto Rico has the ability to restructure its debts. That is because servicing the government's $72 billion debt is swallowing a massive 36 percent of the island's revenue. That is 36 cents of every dollar the government takes in going not to roads or bridges and schools but to bondholders instead. This percentage is six times the U.S. State average and simply unsustainable by any measure.

In fact, despite all we hear about Puerto Rico's significant annual budget deficits, the island would actually be running a surplus—a surplus—if it didn't have to make debt payments. Let me repeat that: It would have a surplus.

These debt service payments act like an albatross and handcuff the people of Puerto Rico, preventing them from investing in their economy. Fewer resources for education, infrastructure, and essential services cause a death spiral as talented workers opt to leave the island, businesses are shuttered, and revenue drops even further. That is why the first and most important step we must take is to give Puerto Rico the ability to restructure its debt in an orderly fashion—a right that they had at one time and that was surreptitiously stripped out. There is no legislative history as to why it was stripped out, but they had this right. This is not novel. Our legislation would in essence do just that, providing a fair and reasonable way for Puerto Rico to restructure all of its debts while avoiding a costly race to the courthouse that would result in years—years—of costly litigation. But before Puerto Rico can even access this authority, it needs to affirmatively opt in and accept the establishment of an independent fiscal stability and reform board and create a chief financial officer.

This both ensures that any restructuring plan is based on objective and independent analysis of the island's situation and provides assurances to creditors that future governments will adhere to a prudent long-term fiscal plan, while affirming and respecting Puerto Rico's sovereignty.

Once Puerto Rico opts in, it receives an automatic 12-month stay to give government officials the necessary breathing room to organize their finances and develop a sustainable 5-year fiscal plan upon which annual budgets and their restructuring proposal will be based.

Once the Governor submits a restructuring proposal, a judge selected by the First Circuit Court of Appeals would have to confirm that it complies with the fiscal plan, protects the rights of pensioners, and, if feasible, does not unduly impair general obligation bonds.

Our process follows precedent by giving creditors a voice and the ability to object in court, and it ultimately gives an independent judge the authority to ensure that any plan is fair and reasonable. In order to ensure the long-term fiscal plan is followed—not just now, but in the future—our legislation gives the independent board the power to review annual budgets and future debt issuances and to exercise strong oversight and transparency powers.

If future budgets do not comply with the fiscal plan, the board has the authority to issue a vote of no confidence, which will send a strong and unequivocal message to the legislature, to capital markets, and to the Puerto Rican people that the proposed path is unsustainable, which, in turn, will provide much needed transparency and accountability to the budgeting process.

At the same time, we are careful to affirm the fundamental pillars of democracy by making the board of, by, and for the people of Puerto Rico. The board will consist of nine members chosen by the Governor of Puerto Rico, its legislature, both parties, the Supreme Court, and the President of the United States. At least six of the board members must be full-time residents of Puerto Rico, at least six must have knowledge of its history, culture, and socioeconomics, and all members—all members—must have financial and management expertise.

This structure strikes the proper balance by providing strong and independent oversight and accountability while still respecting the sovereignty and democratic rights of the people of Puerto Rico.

It is not a bailout—far from it, in fact. This proposal wouldn't cost the U.S. Treasury a penny—not a dime—and, because it is limited to the territories, wouldn't have a contagion effect on the broader municipal market.

As I have said before, giving Puerto Rico the flexibility to restructure its debt is the top priority and a prerequisite for any legitimate recovery plan. But it is also clear that the lack of health care funding parity is adding pressure to the overall financial situation as the island's health care system accounts for 20 percent of the island's economy, and it is responsible for a third of its overall debt burden.

Currently, Puerto Rico's Medicaid Program, rather than being reimbursed for necessary costs, is capped. Not only is it capped, it is set to hit a funding cliff as soon as mid-2017. When this happens, the island will instead receive

funding to cover only a very small portion of its Medicaid costs, a burden no State could handle.

The second piece of our legislation fixes this by moving Puerto Rico toward a Medicaid system that provides stable funding for the long term. Additionally, there are several policies in Medicare that treat the island differently from the rest of the Nation, leaving providers and seniors to face unfair penalties and low reimbursements.

This bill eliminates many of these discrepancies to more accurately align Medicare policies in Puerto Rico with the rest of the country. As citizens of the United States—and I emphasize that because sometimes Members of Congress have asked me whether they need an American passport to go to Puerto Rico. I thought they were joking, but they were serious. As citizens of the United States, it is only fair that Puerto Ricans be afforded the same access to care, coverage, and health benefits as everyone else.

Finally, our legislation would incentivize Puerto Rican workers to enter the formal economy and give families the help they need to raise their children by providing parity to the island for the earned-income tax credit and child tax credit. Praised by both Republicans and Democrats as one of the most effective tools to combat poverty and encourage workers to enter the labor market, the earned-income tax credit is currently unavailable to the people of Puerto Rico. However, as American citizens, all it takes for a resident of Puerto Rico to become eligible for a credit is a short plane ride to Miami.

This is just another reason why so many Puerto Ricans have fled the island and taken up residence on the mainland. It makes no sense to prohibit American citizens living in Puerto Rico from taking advantage of this important credit, especially with such a stubbornly lower labor participation rate.

Our legislation corrects this inequity, providing equal treatment for all American citizens, regardless of whether they reside in Puerto Rico or in the States.

I shouldn't need to remind this body that from the infancy of our Nation, the people of Puerto Rico have been there for us and with us, and now we need to be there for them. Puerto Rico was ceded to the United States in 1898 after the Spanish-American War. Less than two decades later, in 1917, Congress passed the Jones-Shafroth Act, granting American citizenship to the residents of the island. But even long before they were granted U.S. citizenship, Puerto Ricans have had a long and profound history of fighting on the side of America.

As far back as 1777, Puerto Rican ports were used by U.S. ships, enabling them to run British blockades and keep commerce flowing, which was so crucial to the war effort. It was Puerto Rican soldiers who took up arms in the U.S. Civil War, defending this Nation's Capital, Washington, DC, from attack, and they fought in the Battle of Fredericksburg.

In World War I, almost 20,000 Puerto Ricans were drafted into the U.S. Armed Forces. Let's not forget about the 65th Infantry Regiment, known as the Borinqueneers, the segregated military unit composed almost entirely of soldiers from Puerto Rico, who played a crucial and prominent role in World War I, World War II, and the Korean war.

I am proud to say that I worked with Senator BLUMENTHAL and others to make sure that the heroic Borinqueneers—the only Active-Duty segregated Latino military unit in the history of the United States and the last segregated unit to be deactivated—received well deserved and long overdue national recognition when we passed a bill awarding these courageous patriots with the Congressional Gold Medal, the highest expression of national appreciation for distinguished achievements and contributions to the United States.

While some might be tempted to point their finger at our brothers and sisters on the island and fault Puerto Rico for carrying more than $70 billion in debt, I challenge my Senate colleagues to work with us on finding solutions because this problem isn't going away.

Mark my words. If we don't act now, this crisis will explode into a full-blown humanitarian catastrophe, not in a matter of decades or even years but in months. In just a couple of months, they have a major payment they do not have the wherewithal to make.

We may think we will kick the ball down the road. But, no, that human catastrophe is going take place in months, and we will be right back here next year with the same set of problems, only far, far worse.

Delaying action is akin to letting an infection reach the bloodstream before seeking treatment. The longer you wait, the more painful and challenging the treatment is. Puerto Rico isn't asking us to pull them out of this, just to give them the wherewithal to help them help themselves be able to achieve the goal.

Let's not stand aside and do nothing while the island burns. Let's not turn our backs on our friends and fellow citizens when they need us the most. Let's instead come together as a nation and support our fellow citizens like we always do when things get tough. The people of Puerto Rico have always been there for us and with us. Let's make sure that we are there for them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—DESIGNATING MARCH 15, 2016, AS ''NATIONAL SPEECH AND DEBATE EDUCATION DAY''

Mr. GRASSLEY (for himself, Mr. COONS, and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas it is essential for youth to learn and practice the art of communicating with and without technology;

Whereas speech and debate education offers students myriad forms of public speaking through which students may develop talent and exercise unique voice and character;

Whereas speech and debate education gives students the 21st-century skills of communication, critical thinking, creativity, and collaboration;

Whereas critical analysis and effective communication allow important ideas, texts, and philosophies the opportunity to flourish;

Whereas personal, professional, and civic interactions are enhanced by the ability of the participants in those interactions to listen, concur, question, and dissent with reason and compassion;

Whereas students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work;

Whereas teachers and coaches of speech and debate devote in-school, afterschool, and weekend hours to equip students with life-changing skills and opportunities;

Whereas National Speech and Debate Education Day emphasizes the lifelong impact of providing people of the United States with the confidence and preparation to both discern and share views;

Whereas National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address;

Whereas National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy;

Whereas the National Speech & Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas National Speech and Debate Education Day emphasizes the importance of speech and debate education and the integration of speech and debate education across grade levels and disciplines: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 15, 2016, as ''National Speech and Debate Education Day'';

(2) strongly affirms the purposes of National Speech and Debate Education Day; and

(3) encourages educational institutions, businesses, community and civic associations, and all people of the United States to celebrate and promote National Speech and Debate Education Day.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS THAT THOSE WHO COMMIT OR SUPPORT ATROCITIES AGAINST CHRISTIANS AND OTHER ETHNIC AND RELIGIOUS MINORITIES, INCLUDING YEZIDIS, TURKMEN, SABEA-MANDEANS, KAKA'E, AND KURDS, AND WHO TARGET THEM SPECIFICALLY FOR ETHNIC OR RELIGIOUS REASONS, ARE COMMITTING, AND ARE HEREBY DECLARED TO BE COMMITTING, ''WAR CRIMES'', ''CRIMES AGAINST HUMANITY'', AND ''GENOCIDE''

Mr. SASSE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Whereas those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandeans, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, intend to exterminate or to force the migration or submission of anyone who does not share their views concerning religion;

Whereas Christians and other ethnic and religious minorities have been an integral part of the cultural fabric of the Middle East for millennia;

Whereas Christians and other ethnic and religious minorities have been murdered, subjugated, forced to emigrate, and suffered grievous bodily and psychological harm, including sexual enslavement and abuse, inflicted in a deliberate and calculated manner in violation of the laws of their respective nations, the laws of war, laws and treaties forbidding crimes against humanity, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948 (in this concurrent resolution referred to as the ''Convention'');

Whereas these atrocities are undertaken with the specific intent to bring about the eradication and displacement of their communities and the destruction of their cultural heritage in violation of local laws, the laws of war, laws and treaties that punish crimes against humanity, and the Convention;

Whereas local, national, and international laws and treaties forbidding ''war crimes'' and ''crimes against humanity'' and the Convention condemn murder, massacre, forced migration, extrajudicial punishment, kidnapping, slavery, human trafficking, torture, rape, and persecution of individuals because of their religion and shall be punished, whether committed by ''constitutionally responsible rulers, public officials or private individuals'' as provided by local laws, international laws and agreements, and the Convention;

Whereas Article I of the Convention and international and local laws confirm that genocide and crimes against humanity, whether committed in time of peace or in time of war, are crimes that government authorities are obligated to prevent and to punish;

Whereas Article II of the Convention declares, ''In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.'';

Whereas Article III of the Convention affirms, ''The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.'';

Whereas, on July 10, 2015, Pope Francis, Supreme Pontiff of the Roman Catholic Church, declared that Middle Eastern Christians are facing genocide, a reality that must be ''denounced'' and that ''[i]n this third world war, waged piecemeal, which we are now experiencing, a form of genocide—and I stress the word genocide—is taking place, and it must end'';

Whereas a March 13, 2015, report of the United Nations Committee on Human Rights prepared at the request of the Government of Iraq stated that ''[e]thnic and religious groups targeted by ISIL include Yezidis, Christians, Turkmen, Sabea-Mandeans, Kaka'e, Kurds and Shi'a'' and that ''[i]t is reasonable to conclude that some of the incidents [in Iraq in 2014–2015] . . . may constitute genocide''; and

Whereas attacks on Yezidis included the mass killing of men and boys and enslavement and forcible transfer of women and children: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the atrocities committed against Christians and other ethnic and religious minorities targeted specifically for religious reasons are, and are hereby declared to be, ''crimes against humanity'', and ''genocide'';

(2) each of the Contracting Parties to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948, and other international agreements forbidding war crimes and crimes against humanity, particularly the governments of countries and their nationals who are in any way supporting these crimes, are reminded of their legal obligations under the Convention and these international agreements;

(3) every government and multinational body should call the atrocities being committed in the name of religion by their rightful names: ''crimes against humanity'', ''war crimes'', and ''genocide'';

(4) the United Nations and the United Nations Secretary-General are called upon to assert leadership by calling the atrocities being committed in these places by their rightful names: ''war crimes'', ''crimes against humanity'', and ''genocide'';

(5) the member states of the United Nations, with an urgent appeal to the Arab States that wish to uphold religious freedom, tolerance, and justice—

(A) should join in this concurrent resolution;

(B) should collaborate on measures to prevent further war crimes, crimes against humanity, and genocide; and

(C) should collaborate on the establishment and operation of domestic, regional and international tribunals to punish those responsible for the ongoing crimes;

(6) the governments of the Kurdistan Region of Iraq, the Hashemite Kingdom of Jordan, the Lebanese Republic, and other countries are commended for having undertaken to shelter and protect those fleeing the violence of the Islamic State in Iraq and Syria (''ISIS'' or ''Da'esh'') and other extremists until they can safely return to their homes in Iraq and Syria; and

(7) all those who force the migration of religious communities from their ancestral homelands, where they have lived and practiced their faith in safety and stability for hundreds of years—including specifically in the Nineveh Plain, a historic heartland of Christianity in Iraq and Mount Sinjar, the historic home of the Yezidis—should be tracked, sanctioned, arrested, prosecuted, and punished in accordance with the laws of the place where their crimes were committed and under applicable international criminal statutes and conventions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3450. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3450. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—National Voluntary Bioengineered Food Labeling Standard

''SEC. 291. DEFINITIONS.

''In this subtitle:

''(1) BIOENGINEERING.—The term 'bioengineering', and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

''(A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and

''(B) for which the modification could not otherwise be obtained through conventional breeding or found in nature.

''(2) FOOD.—The term 'food' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 292. APPLICABILITY.

''This subtitle shall apply to any claim in the labeling of food that indicates, directly or indirectly, that the food is a bioengineered food or bioengineering was used in the development or production of the food, including a claim that a food is or contains an ingredient that was developed or produced using bioengineering.

''SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

''(a) ESTABLISHMENT OF STANDARD.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall—

''(1) establish a national voluntary bioengineered food labeling standard with respect to—

''(A) any bioengineered food; and

''(B) any food that may be bioengineered or may have been produced or developed using bioengineering; and

''(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

''(b) REGULATIONS.—

''(1) IN GENERAL.—A food may be labeled as bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this subtitle.

''(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

''(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

''(i) bioengineered; or

''(ii) produced or developed with the use of bioengineering;

''(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food;

''(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food; and

''(D) require that, if a food is voluntarily labeled under this section through means of scannable images or codes or other similar technologies—

''(i) the label clearly indicates to consumers that more information is available about the ingredients of the food; and

''(ii) the scannable image, code, or similar technology provides direct access to information regarding whether the food is bioengineered or whether bioengineering was used in the development or production of the food.

''(c) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement relating to the labeling or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to that voluntary standard.

''(d) CONSISTENCY WITH CERTAIN LAWS.—To the maximum extent practicable, the Secretary shall establish consistency between—

''(1) the national voluntary bioengineered food labeling standard established under this section; and

''(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''SEC. 294. RULEMAKING ON SUBSTANTIAL PARTICIPATION.

''(a) DEFINITION OF LABELED FOOD.—In this section, the term 'labeled food' means food that bears, or to which is attached, any written, printed, or graphic matter, including on the immediate container or on the package of the food.

''(b) RULEMAKING.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall promulgate regulations defining the circumstances that constitute substantial participation by labeled foods with voluntary disclosures of whether a food is, is not, or may be bioengineered or whether bioengineering was, was not, or may have been used in the development or production of the food.

''(c) CONSIDERATION.—In promulgating regulations under subsection (b), the Secretary shall consider—

''(1) the percentage of the labeled foods consumed by consumers that disclose whether the food is, is not, or may be bioengineered or whether bioengineering was, was not, or may have been used in the development or production of the food; and

''(2) the extent to which there is clear indication in a usual and customary form that information is available for the most frequently consumed labeled foods or direct access to disclosures for the most frequently consumed labeled foods, including through means that are clear and direct other than the label or labeling, such as responses to consumer inquiries through call centers, the Internet, websites, social media, scannable images or codes or other similar technologies that would allow consumers to access the information, or any other means the Secretary considers appropriate for disclosing the bioengineered content of food.

''(d) REQUIREMENT.—In promulgating regulations under subsection (b), the Secretary shall define the term 'most frequently consumed labeled foods'.

''SEC. 294A. NATIONAL MANDATORY BIOENGINEERED FOOD LABELING STANDARD.

''(a) REQUIREMENT FOR ESTABLISHMENT OF MANDATORY STANDARD.—

''(1) IN GENERAL.—The mandatory standard under subsection (b) shall be established only if the Secretary determines there is not substantial participation as determined in accordance with section 294(b).

''(2) DEADLINE.—The Secretary shall make the determination as described in paragraph (1) not earlier than the date that is 2 years after the date on which the Secretary has promulgated regulations under each of sections 293 and 294(b).

''(3) INITIATION.—If the Secretary determines that there is not at least 70 percent substantial participation as determined in accordance with section 294(b), the Secretary shall promulgate regulations to establish a mandatory standard in accordance with this section.

''(b) ESTABLISHMENT OF MANDATORY STANDARD.—If the Secretary determines that there is not substantial participation as described in subsection (a), the Secretary shall—

''(1) establish a national mandatory bioengineered food labeling standard with respect to—

''(A) bioengineered food; and

''(B) food that may be bioengineered or may have been produced or developed using bioengineering; and

''(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

''(c) REGULATIONS.—

''(1) IN GENERAL.—If the Secretary establishes a mandatory standard under subsection (b), a food may be labeled as bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this section.

''(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this section shall—

''(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

''(i) bioengineered; or

''(ii) produced or developed with the use of bioengineering;

''(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food;

''(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food;

''(D) exclude food served in a restaurant or similar establishment; and

''(E) require an appropriate person (as determined by the Secretary) to disclose food that is subject to the mandatory standard either through—

''(i) a statement made on the food label or labeling; or

''(ii) means other than the label or labeling, including responses to consumer inquiries through call centers, the Internet, websites, social media, scannable images or codes or other similar technologies that would allow consumers to access the information, or any other means the Secretary considers appropriate for disclosing the bioengineered content of food.

''(3) IMPLEMENTATION.—The implementation date for regulations promulgated in accordance with this section shall be not earlier than 2 years after the later of—

''(A) the date on which the Secretary promulgates the final regulations under this section; or

''(B) the date on which the Secretary makes a determination under subsection (a)(1).

''(d) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement relating to the labeling or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to the mandatory labeling requirement under this section.

''(e) ENFORCEMENT.—

''(1) PROHIBITED ACT.—It shall be a prohibited act for a person to knowingly fail to make a disclosure as required under this section.

''(2) RECORDKEEPING.—Each person subject to the mandatory labeling requirement under this section shall maintain, and make available to the Secretary, on request, such records as the Secretary determines to be customary or reasonable in the food industry, by regulation, to establish compliance with this section.

''(3) EXAMINATION AND AUDIT.—

''(A) IN GENERAL.—The Secretary may conduct an examination, audit, or similar activity with respect to any records required under paragraph (2).

''(B) NOTICE AND HEARING.—A person subject to an examination, audit, or similar activity under subparagraph (A) shall be provided notice and opportunity for a hearing before an administrative law judge on the results of any examination, audit, or similar activity.

''(C) AUDIT RESULTS.—After the notice and opportunity for a hearing under subparagraph (B), the Secretary shall make public the summary of any examination, audit, or similar activity under subparagraph (A).

''(4) RECALL AUTHORITY.—The Secretary shall have no authority to recall any food subject to this subtitle on the basis of whether the food is labeled as bioengineered or developed or produced using bioengineering.

''SEC. 294B. SAVINGS PROVISIONS.

''(a) TRADE.—This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

''(b) OTHER.—Nothing in this subtitle—

''(1) affects the authority of the Secretary of Health and Human Services or creates any rights or obligations for any person under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(2) affects the authority of the Secretary of the Treasury or creates any rights or obligations for any person under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

''Subtitle F—Labeling of Certain Food

''SEC. 295. FEDERAL PREEMPTION.

''(a) DEFINITION OF FOOD.—In this subtitle, the term 'food' has the meaning given the

term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.''.

NATIONAL SPEECH AND DEBATE EDUCATION DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 398, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 398) designating March 15, 2016, as ''National Speech and Debate Education Day''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the majority leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appoints the following individual to the United States Commission on International Religious Freedom: Ambassador Jackie Wolcott of Virginia.

ORDERS FOR TUESDAY, MARCH 15, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, at 2:15 p.m., the Senate then resume consideration of the message to accompany S. 764.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MERKLEY.

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

The Senator from Oregon.

GENETICALLY MODIFIED FOOD

Mr. MERKLEY. Mr. President, I rise to address the motion that is on the floor right now, which is a motion to adopt an amendment that is essentially a new version of the Monsanto DARK Act. Now, DARK is an acronym that stands for ''Denying Americans the Right to Know.'' This is, by the way, an amendment that has not been seen in any committee in the Senate ever.

We heard a lot of discussion about how we were going to have a process in this Chamber where things would be in the ordinary fashion—go through the committee so it could be digested and analyzed—but instead this amendment is to an underlying bill that has been ping-ponging back and forth between the House and Senate. This legislation has never been heard in committee. It was crafted over the last few hours. Here we are with a fundamental issue of citizens' right to know, and the majority leader of this Chamber has decided to bypass any ordinary consideration to jam this through on behalf of Monsanto.

What is at stake here? What is citizens' right to know about? It is about genetically modified or genetically engineered ingredients that are in their food. Across the country 90 percent of Americans want to have some indication of what is in their food and whether there are GE ingredients. They feel this is relevant to what they would like to buy. Even if they don't personally look it up when they buy a product, they feel citizens should have a right to know. I rounded it off and said 90 percent, but it is actually 89 percent. The survey took place last fall. I believe it took place in November of 2015. This fundamental notion about the right to know what is in your food transcends every ideology in our country.

The Presidential primary season is going on right now, and we are seeing a huge range of ideologies from the left to the right on display, but when we talk to citizens about this right to know, it doesn't matter if they are Democrats, Independents, Republicans, rightwing Republicans or leftwing Democrats, they all come out essentially the same. Let's break it down by each party. Democrats are at 9 to 1, or 92 percent; Republicans are at 84 percent, which rounds out to about 8½ Republicans to 1 Republican. It is a huge ratio. Independents are 9 to 1, or 89 percent. When asked if they feel strongly about this, they say, yes, they do feel strongly about this. That just goes to the fundamental notion that here in America citizens believe they have the right to make up their own minds and not have the overreach of the Federal Government telling them what to believe or the government saying: You can't have the information you want in order to make your decision as a consumer. Citizens resent that. Citizens get angry about that. Yet right now the majority party in this Chamber is trying to push through just such a repression of a citizen's right to know.

This has been triggered by a law in Vermont. Citizens in Vermont voted and decided they want to know if their food has GE, genetically engineered, ingredients, and that law goes into effect on July 1 of this year. Our big food industry—Monsanto and friends—said: No, we can't let the citizens of Vermont have the information they want. We must pass a Federal law to stop them. By the way, we need to stop every other State in the United States of America and every other subdivision of any State in the United States of America from providing this information, which 9 out of 10 Americans want to have listed on their food.

We are all acquainted with labels on food. That is not something new. Some citizens look at it to determine how many calories are in the food. Others look at what vitamins may be in the food or if it meets the daily recommended dose of vitamins. Some go to see if it has a form of cornstarch, corn sugar, or high fructose corn syrup that maybe they like or don't like.

We also have labeling laws about other things consumers care about on their food. If you sell fish in a grocery store in America, you have to tell the consumer whether that fish has been caught in the wild or whether it has been raised on a farm. Why? Because citizens wanted that information. They considered that relevant to their decision about their purchase of foods for themselves and their families.

Let's consider the fact that here in America if you put juice in a store, you have to say whether it is made from concentrate or whether it is fresh. Why? Because consumers thought that was relevant to how they would like to exercise their judgment. Well, 9 out of 10 Americans say they want the information on whether there are GE ingredients, but now we have this bill on the floor—this Monsanto DARK Act addition 2.0—that says, no, we are going to

take away that power from every State in the country, not just Vermont, not just my home State of Oregon but every State. We are going to take it away from any subdivision of those States. We are going to black out that information so consumers can't have it.

Here is the question we face: Are we going to hold a vote this week in this Chamber, as scheduled by the majority leader for Wednesday, to shut down debate on this topic? The majority leader didn't allow debate today because he just introduced the bill tonight and he just set the schedule for tomorrow. We are not going to have the debate until 2:15 p.m. tomorrow, and he said we are going to vote on Wednesday morning on this critical issue affecting citizens' right to know. So on behalf of Monsanto and friends, he wants to make sure there are only a few hours of debate and that the citizens of our country don't even know this dirty deed is being done in this Chamber. That is why I am speaking right now, because it is important for the citizens to know this is being rammed through right now at a time when it is most likely not going to gain public attention.

Why is that? Why did the majority leader do this on a Monday night right before the five big primaries that occur tomorrow? Because the news media is very busy covering those five big primaries. Who is going to win the Republican primary in Florida that will affect, one way or another, whether a Member in this Chamber stays in the race? Who will win the Republican primary in Ohio? That is possibly going to affect whether the frontrunner gets a majority by the time the convention comes up. Who is going to win the Democratic primary in Illinois? Who is going to win the Democratic primary in Ohio? That will have a big impact on the rhythm of that. So the media is very consumed and very busy, and that is why here, on the eve of this major Tuesday primary, this bill has been put on the floor. Americans have no idea it is happening. They can ram this thing through with no notice to the American people because, again, this bill was never considered in committee. This is a whole new creature—this Monsanto DARK Act 2.0.

What specifically does it do and how has it morphed? Well, this is very interesting. This act says States are banned from providing information that 9 out of 10 of their citizens want. It says subdivisions are banned from providing information that 9 out of 10 of their citizens want, and then it says there will be a voluntary program, and if, after a series of years, citizens can get information based on consumer inquiries, then this ban will continue forever. If they can't get the information on 70 percent of the major foods that are being sold, then all that is required is a response to consumer inquiries. In other words, no labeling requirement, no simple fashion for a consumer to find out what is in their food. If we put a ban on States from providing easy-to-use consumer information about GM or GE ingredients, then there must be a national consumer easy-to-use indication on the label.

The argument is put forward—and I share it—that 50 different State standards would be confusing and expensive and almost impossible to implement. One warehouse serves multiple States and so on and so forth. Having a different label in every State makes no sense. OK. I take that point. But if we are going to ban the States from providing the information consumers want on the argument that there should be one national standard for simplicity, then there must be a consumer-friendly national standard, and there is no such standard in this Monsanto DARK Act 2.0 placed on the floor tonight.

There is an interesting twist here because they have proposed some ideas that are different from putting consumer-friendly information on the label. The first of those ideas is a 1–800 number. It works like this. Let's say, like my daughter, you are interested in high fructose corn syrup.

I am going to use this book here as a visual aid, and I ask unanimous consent to do so.

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

Mr. MERKLEY. I thank the Chair.

Imagine these are products that are in the grocery store. So I, the consumer, am going down the aisle, and I say: I want to know whether these contain high fructose corn syrup. Well, I turn it over and look at the ingredients, and I see that one does. Looking at this one: No, this one doesn't. Let me check the third. It is right here. I have the answer. I have checked three products in 5 seconds. That is consumer friendly. But let's say we have to call the 1–800 number to find out.

I ask unanimous consent to use my cell phone as a visual aid.

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

Mr. MERKLEY. So now I have to pull my cell phone out of my pocket, and I have to find this number that is probably too small for me to read. I have to turn on my phone and hope there is a cell connection in the store, which there may or may not be. I dial it up. Oh, I am talking to somebody in the Philippines, and they have no idea what I am asking about. Oh, I am talking to some call center somewhere else, and they have all kinds of information, but they are not sure exactly what my question is about GE ingredients. And maybe I have to wait 15 minutes while I am on hold. We have all had that experience. Every one of us has had the experience of not just waiting 15 minutes; we call a consumer help line or maybe a 1–800 number and maybe it is half an hour. They give you a little message: We are sorry, we have a high call volume and we just can't get to you yet, but we will get back to you in maybe 30 or 40 minutes. I am standing here in the aisle. I want to compare these three products. I have to call three different 800 numbers. I ask, can anyone on this floor stand up and say this is a consumer-friendly way to answer the fundamental question as to whether there is a GE or GM—genetically engineered or genetically modified—ingredient? No. This is absurd. This is a sham. That is why it is sham No. 1.

But there is not just one sham in this bill; there are more. The second sham is a computer code. So picture this: Instead of being able to pick up a product and say ''I want to see if this has peanuts in it; I am allergic to peanuts,'' I can check my second product. Oh, here it is. I check the third product. No, no peanuts. I am allergic to peanuts. In 5 seconds, I have checked three products. That is consumer friendly.

But now this second sham is that I have to have a smartphone with me. I have to take a picture of this code called a quick response code, and that will take me to a Web site, and maybe I will find out the information in the format presented by the company itself, which will probably be completely incomprehensible and indigestible. All I wanted to know was whether there is a GM ingredient. But now I have to take a picture. I have to go to a Web site. I have to negotiate the information on the Web site. All I needed was a little symbol right here. It doesn't matter what the symbol is. It could be ''GM.'' It could be ''GE.'' It could be a ''t'' for transgenic. That is what Brazil uses. It could be a happy face. Just anything so that consumers knew what that symbol stood for. That would allow them to check it very quickly and very easily.

A QR code is even more diabolical because when you use your phone to take a picture of this and go to that Web site, they track some of your information. You have to give up your privacy. I have to give up my privacy to find out if there is a GE ingredient in the food I am eating? No. No way. No how. Just wrong. An invasion, an overreach of the Federal Government asking me to give up my privacy by having to take a picture of this.

Envision now whether this is really practical in any way. Not only might it take half an hour to go through those three different QR codes and find out what they really mean, but I am shopping for groceries. This is just one item I want to buy. I want to buy a can of soup. That is what I want to do. But I have 20 more things on my list. I go to the second thing. Maybe I want to buy hot dogs, and now there are 10 different versions of hot dogs. What am I going to do—take a picture of all 10 hot dogs for my second item on the list?

Now I am 2 hours into my shopping trip. I have a child in the grocery cart who is hungry and who is tired and who wants to go home. I want to go home. I want to get home and cook dinner for myself and my family. I have to spend 2 hours to check out two products on my grocery shopping list. This is a complete sham.

There is even more to come. This is sham No. 3 that is in the Monsanto Protection Act, Monsanto DARK Act—Denying Americans the Right to Know—2.0. Here is a wonderful idea. This says a company can provide information via social media, as in Facebook or Twitter or who knows what—Instagram. So here I am now. Picture this. This really takes the cake. I am in the store. I care about GE ingredients, and I check product No. 1 for their 800 number, but they don't have an 800 number, or they have it but it is not for this purpose because this company has done their voluntary disclosure not through the 800 number. So I think, well, am I supposed to take a picture of the smart code? I look for it. Maybe I find one. I take a picture, I go to the Web site, but no information is there because this company has decided to do voluntary disclosure through social media. Well, which social media? I am supposed to know if they are putting it up on Facebook or if they are supposed to be putting it on Instagram or on Twitter? No, because they can put it anywhere they want.

So here we have a completely unworkable system in every possible way. In other words, all three of these ideas were put into this bill solely for the pretense that there is some form of disclosure to consumers.

Now, why would the author of this bill that was put on the floor tonight go to this tremendous effort to have this pretense about disclosure? Well, let's go back to where I started. The reason for the pretense is that 9 out of 10 Americans want to know. So this is a scam on the American people.

Right now, citizens in our country are very angry. They are very upset. We have gone through four decades in which the middle class has been squeezed, and they know they are getting the short end of the stick. They know that our national wealth has grown enormously but nothing is shared with the middle class. They know the system is rigged. And here comes our majority leader to put a bill on the floor that further rigs the system with this Monsanto DARK Act edition 2.0.

So citizens across the country, this is being done to take away your rights when you are not paying attention because we are in the middle of a major primary tomorrow. So if you are aware of this Monsanto DARK Act 2.0 being on the floor right now and that there is going to be a vote on it on Wednesday morning, then weigh in and say it is not all right. Share with other Americans on your social media and say that this sham disclosure bill is not OK, that taking away the desire and right of 9 out of 10 Americans to want to know if there is GE ingredients in their food—taking away that right is a complete travesty.

This is the type of overreach that makes citizens mad. This is the type of jam-through legislation on behalf of a powerful special interest to take away what citizens care about that makes people mad. My colleagues across the aisle know that, so they want to jam this through in the dark of night when the country is not paying attention. That is simply not OK. It is not OK.

Some may say: What is the big deal here? Aren't genetically engineered products all wonderful, and why would any citizen actually be concerned about them? Why do these 9 out of 10 citizens have this desire? They are just misled. There is no concern about GE ingredients. We are just taking away their right because they don't know what they are talking about. Their concerns are not legitimate.

Well, I will tell my colleagues tonight that their concerns are legitimate. Genetic engineering can produce a benefit and it can produce problems, and therefore it is the citizens' right to be able to make the evaluation of how they want to spend their dollar, just as it is their right if they want to buy reconstituted juice versus fresh juice, just as it is their right if they want to buy wild fish rather than farmed fish, just as it is their right if they don't want to buy food with high fructose corn syrup, or maybe they do want to buy it, but they get to choose. They get to look at the ingredients and the labeling and they get to choose.

Let me expand a little bit on this because science has provided us with both an accounting of some of the benefits and an accounting of some of the problems. Science indicates that there is some truth in both. For example, let's take one of the benefits. This is a picture of golden rice. Well, what is golden rice? In parts of the world, citizens suffer from a big deficiency of vitamin A. Therefore, this rice has been genetically engineered to have vitamin A in it, and it can, in parts of the world where rice is routinely eaten, help address that. Folks have said that is a good thing. Now, I don't know all the reverberations of cultivating this type of rice versus another type of rice. There might be a problem hidden away in those different cultivation techniques. But by and large, I have heard positive things about golden rice helping address a vitamin deficiency.

Let's take transgenic carrots. Their cells have been cultivated in order to provide a substance that provides a cure to Gaucher's disease. So that seems like a benefit because people who suffer from Gaucher's disease are awfully happy about having a remedy.

Let's take yams grown in South Africa. Well, they have several different viruses that affect these yams, and so by genetically engineering to resist these viruses, as far as I am aware, we don't know yet of any side effects that are a problem. As of now, this can be something that is generally registered as a benefit, to have that resistance to these viruses. There is even discussion of genetic modifications that can be done that serve in lieu of immunizations. That is a very interesting scientific idea. That could be a way to provide resistance to humans with certain diseases.

That is only part of the story. Just as science has documented that there are benefits, there are also some concerns. Here in the United States, the major genetic modification is something called Roundup Ready. It makes a particular plant immune to the effects of an herbicide. Herbicides kill the plants, so this makes the plant immune to the substance that kills plants. Therefore, you can use this herbicide to control weeds without killing the corn or without killing sugar beets or without killing the cotton, and so forth.

(Mr. DAINES assumed the Chair.)

So what have we seen? Since this genetically engineered quality was developed, we have seen a massive increase in the use of herbicides on crops. It has gone from 7.4 million pounds back in 1994 to now over 160 million pounds. We see this massive increase and its continued path to 2012. One of the effects is that if you have this massive 160 million pounds of herbicide on fields that weren't there 20 years earlier, what you have is a lot of runoff of herbicide into our streams and into our rivers. When you put plant-killing stuff in our streams and rivers, it has an impact on the ecosystem. That is a scientifically documented legitimate concern.

There is another concern. When we tilled fields to take down the weeds, it was mechanical, and in that disturbed soil grew a variety of things and the edges of fields grew a variety of things. One example is milkweed. It has been scientifically documented that there is a big reduction in these miscellaneous weeds and some of the related insects and species that otherwise would have inhabited that area near these fields. One example is the monarch butterfly. The monarch butterfly has crashed in the Midwest because of the dramatic reduction in milkweed with a change from mechanical tilling to herbicide control of weeds. That is just the canary in the coal mine—or the monarch in the coal mine. We don't know what else is being affected by this massive application of herbicides.

Here is another challenge. This is an interesting genetic modification. This is called Bt corn. Bt corn has been genetically modified so it produces a pesticide inside each corn cell, and particularly the goal is that when the larvae of these beetles start eating, the pesticide would kill the larvae of these beetles. These larvae are referred to as the ''western corn worm.''

The western corn worm does a lot of damage, and you put the pesticide inside the cells. Both the larvae and the beetles themselves like to eat the corn. They like to eat the strands of pollen that pollinate the corn. What can end up is corn that has only a few kernels on them. There is a greatly reduced amount of kernels as a result of the pollen being compromised. What is happening as a result of the prevalence of this Bt corn which is grown all over the United States? What is happening

is that these larvae of the corn worms and beetles are developing a resistance to it because Mother Nature has a few surprises. At any one moment in a large population, there are thousands or millions of accidental mutations occurring. Out of those mutations, when millions and millions of these beetles and their larvae are exposed, eventually a few of them have a mutation that makes them immune to the pesticide. Then they proceed to have offspring, and then the offspring have more mutations and become more resistant. Suddenly, you now have to go back and put pesticides in these fields, even though there is a pesticide produced in each cell of the corn itself. That type of biofeedback is scientifically documented. That is a concern.

There is an impact on creating what is sometimes called superweeds through herbicides and superbugs that are pesticide-resistant through the massive application of Bt GE engineering.

This chart is just a reference to the problem in the waterways that I have already spoken to, so I don't think I need to repeat that.

If there are advantages or benefits and there are scientifically documented problems, shouldn't it be up to the consumer to decide if they want to buy a product with genetically engineered ingredients? They are not stupid. They are not crazy. They have not invented some concerns. There are legitimate, scientifically documented benefits and legitimate scientifically documented concerns. So it should be up to the consumer.

We tell consumers: Hey, you have thoughts about whether you would rather have wild fish or farm-raised fish, for example. Why do we require that? I will give you an example from the Pacific Northwest. In the Pacific Northwest a lot of salmon are raised in ocean pens. Those are farmed fish. They are very close together, and because they are very close together, they develop more diseases. There is a type of sea lice that becomes prevalent. Also, because they are not eating the same stuff wild fish eat, their meat is white, so they have to be fed a dye to make their meat the same color as wild salmon. There are folks who hear that and say: I have a preference. I would rather have farmed fish because they are cheaper, or I would rather have wild fish because I don't like the way farmed fish is raised. Maybe one likes the idea of supporting the wild fishing industry rather than the farm fishing industry. That is why we require the disclosure. So it should be a citizen's right to know.

Right now here is where we are with this issue being jammed through in the middle of the night on behalf of a very powerful special interest, even though 9 out of 10 Americans don't agree.

Well, let's ask the Presidential candidates where they stand—each and every candidate, Hillary Clinton and BERNIE SANDERS from the Democratic side, Mr. Trump, Mr. RUBIO, Mr. CRUZ, and Mr. Kasich on the Republican side: Where do you stand on this issue that is going to be voted on Wednesday morning in this Chamber? Do you stand with the 9 out of 10 Americans who want the right to know whether there are GE ingredients in their food? Do you stand with the people, or do you stand with the powerful special interests that want American citizens to be kept in the dark? This is very relevant. Folks voting tomorrow in five primaries, in Florida, Illinois—whatever the other three are tomorrow—they want to know where the Presidential candidates stand. Are they going to be the type of leader who stands with the people, or are they going to be the type that wants to approve and say it is OK to slam this Deny Americans the Right to Know Act 2.0—this Monsanto act. It is all right to slam it through with no committee consideration in the dark of night when the country is not paying attention because of the big set of primaries tomorrow. I want to know where they stand.

So I say to these candidates on the Republican side and the Democratic side: Call us up. Tell us where you stand. Call my office: 202–224–3753. I will let the rest of the Senate know where you stand. We will make sure everyone knows whether you, the Presidential candidates, stand with the citizens of America and the right to know or whether you stand with the powerful special interests that want to strip States' rights to inform their citizens about information that they want.

I want to know from the Presidential candidates: Do you believe that the Federal Government should strip States of the ability to label, even if their labels are all consistent with each other? Do you think that is OK? Do you care about States' rights? Do you see States as a laboratory where we can experiment with ideas and see if they work or not?

Right now Vermont is a laboratory. On July 1 they are going to have their first labeling law in the country, and that is an experiment that their citizens wanted, consistent with 9 out of 10 Americans who want to know. They responded; Vermont responded. They are the first State in the Union to do so. Are we going to cut that short? We are going to trash that ability of Vermont to conduct this experiment? We are going to stomp on the citizens' rights to know, not just in Vermont but in Oregon, Montana, Florida, and all 50 States, and throw in a few U.S. territories as well?

Now the argument is made that this is very dangerous because there could be multiple States that produce different standards. But that doesn't exist. There will not be multiple States in July. There is only one State that has a bill. So it is a phony argument to say that this is somehow causing big, expensive problems because there are conflicting State standards, because there are no conflicting State standards. It is just one great State that responded to its citizens' desires. Who are we to stop that experiment now? We should endorse that experiment. We should endorse that State laboratory. We should watch to see how well it works. We know citizens want this and that they care a lot. So why take it away just because Monsanto and friends don't want Americans to know?

How many Members here want to go home to their citizens and say: You know what, I represent all of us here in our State of Iowa or our State of Florida or our State of Montana or our State of Oregon—my home State—and it is OK with me if the Federal Government takes away your rights on something you really care about. That is what this Chamber is poised to do. That is why they are doing it in the dark of night, because the Senators who are here who are prepared to vote for the Monsanto DARK Act 2.0 don't want their citizens to know about it. That is why they have encouraged the strategy of putting it on the Senate floor on Monday night right before the big Tuesday primary, because citizens care a lot about knowing what they put in their mouth, and they care a lot about what they feed to their children. It is not simply whether it will make them sick. They care about the implications about the way different food is raised.

When we talk about the difference between farmed fish and wild fish, it doesn't have anything to do with what is going to poison you. It isn't even necessarily the taste. The taste may be similar. It is about the citizens' concerns about the way the harvesting is done, about the way the crop is grown, the produce is grown. When we talk about the difference between constituted juice and we require disclosure, the difference between fresh juice and concentrated juice, it isn't because it is going to poison us when we put in our bodies, it is because citizens care about the process that got them to the product they are about to buy. They care about this, too.

They care about it—Democrats, 92 percent; Republicans, 84 percent; Independents, 89 percent. In this deeply divided country, when 9 out of 10 folks—Independents, Democrats, or Republicans—all say it is important, shouldn't we honor that? Shouldn't we not trounce on their rights? Shouldn't we not suppress the first State pilot project on something that 9 out of 10 citizens across the spectrum agree on? Yet that is the dirty deed this Chamber is planning for Wednesday morning. It is just wrong.

I am deeply disturbed about what has become of our ''we the people'' Nation. What are those beautiful first three words of our Constitution? If you ask that in any townhall in America, the crowd at the townhall will respond: ''We the People.'' Those words are carved in our hearts because the core principle on which this Nation was

founded is that we would establish a republic where the decisions would be of, by, and for the people. But this vote on Wednesday morning is not of, by, and for the people; it is of, by, and for Monsanto and friends because they want to take away what we the people care about—the right to know whether there are GE ingredients in their food.

Each of us came to Congress and we pledged to uphold our responsibilities under the Constitution. I would have to assume that each and every one of the 100 Senators on this floor had actually read the Constitution. I certainly hope every Senator on this floor knows it starts out ''We the People,'' and I hope they understand why.

After President Jefferson was out of office, he talked about the mother principle of our Republic, and that is that the decisions will serve the people. He talked about how for that to happen for each citizen, there has to be an equal voice.

You can imagine the vision of the town square and that there is no charge for standing in the town square and expressing your opinion. It is free. But every citizen gets to stand and have their say with an equal voice before a vote is taken. That is the equal voice President Jefferson talked about. That is the equal voice concept President Lincoln talked about, that understanding that each citizen would have a proportionate equal voice. That was embedded in our Founders' minds. They hadn't yet envisioned a world in which the town square is now for sale. The town square is now for sale. The town square is television, radio. You have to buy ads on it, and it is expensive. So you have to pay to stand and make your point. And those with the most money get to stand up for a longer period of time than those with little money. Those with the most money get to purchase the equivalent of a stadium sound system to drown out the voice of ordinary people.

Here is what I want to know: On Wednesday morning, is this Chamber going to respond to those with those stadium sound systems and proceed to drown out the voice of the people?

Let's put up that 89 percent chart.

This is the choice of the people—Democrats, Republicans, Independents who care about this. Wednesday morning, are we going to drown out their desires on behalf of the powerful special interests? Are we going to stamp out States' rights on behalf of a powerful special interest?

Let's not do that. Let's not go in that shameful direction, that direction which is completely contrary to the principles that founded this Nation of an equal voice, a nation, as Lincoln said, that operates of, by, and for the people.

If we want to have this debate over conflicting State labels, then fine. Let's create a common standard. Let's create one common standard for the entire country, a little symbol on the ingredients. That is all it would take. It could be any symbol, and the FDA could choose it so there is nothing pejorative about it. It is not taking up space on the package. It is not taking up space on the cover. It is not pejorative. It is not demeaning. It doesn't imply there is anything wrong. It just says this is something citizens want to know, just as they want to know farm versus wild for fish; just as they want to know concentrate versus nonconcentrate for juice; just as they want to know what minerals, vitamins, and ingredients are in the food they are buying. This they want to know. So honor that. Let's not tear down that vision laid out in the first three words of our Constitution and replace ''We the People'' with ''We the Titans.''

If you want to be a Senator in a republic that starts out with a Constitution that says ''We the Titans,'' then please go be a Senator in a different nation. Go to work somewhere else but not here in the United States of America where we have a responsibility to the citizens and the citizens are clear on where they stand.

So if we must vote on Wednesday—and there is no need to. We are only voting on Wednesday because within seconds of this bill being introduced tonight, the majority leader also put forward a petition that forces a vote on closing debate on Wednesday morning. No. So before anyone has had a word to say, a petition has already been filed to close debate. What kind of a democratic process is that? So the only time to speak to this is tomorrow when the whole world is paying attention to the primaries in five different States—and tonight. That is why I am speaking tonight.

So I am hoping a few people are tuned in enough to activate their networks and to say: This is wrong, Mr. Majority Leader. Pull that bill from this floor. That is a terrible assault on deliberative democracy. Send it to a committee and actually have a debate on it so people can analyze it. Give people in that committee the opportunity to do amendments. Give citizens across the Nation the chance to find out this is going on. Honor the people of this Nation and their right to know.

Thank you, Mr. President.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:52 p.m., adjourned until Tuesday, March 15, 2016, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. MARK H. BERRY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. GREGORY S. CHAMPAGNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARSHALL B. WEBB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT N. POLUMBO

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DANIEL J. SWAIN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JAMES J. KEEFE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ANDREA D. TULLOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRADLEY C. SALTZMAN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ANDREW E. SALAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CRAIG D. WILLS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. TAMHRA L. HUTCHINS–FRYE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. LINDA L. SINGH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. AUSTIN S. MILLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. WILLIAM J. PRENDERGAST IV

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM P. BARRIAGE
BRIG. GEN. PETER A. BOSSE

BRIG. GEN. TROY D. KOK
BRIG. GEN. WILLIAM S. LEE

To be brigadier general

COL. MARILYN S. CHIAFULLO
COL. ALEX B. FINK
COL. JOHN B. HASHEM
COL. SUSAN E. HENDERSON
COL. ANDREW J. JUKNELIS
COL. JEFFREY W. JURASEK
COL. DEBORAH L. KOTULICH
COL. JOHN H. PHILLIPS
COL. STEPHEN T. SAUTER
COL. STEPHEN E. STRAND

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AS AN APPELLATE MILITARY JUDGE ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW UNDER TITLE 10 U.S.C. SECTION 950F(B)(3). IN ACCORDANCE WITH THEIR CONTINUED STATUS AS AN APPELLATE MILITARY JUDGE PURSUANT TO THEIR ASSIGNMENT BY THE SECRETARY OF DEFENSE AND UNDER 10 U.S.C. SECTION 950F(B)(2), WHILE SERVING ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW, ALL UNLAWFUL INFLUENCE PROHIBITIONS REMAIN UNDER 10 U.S.C. SECTION 949B(B).

To be colonel

MARTIN T. MITCHELL

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY AS APPELLATE MILITARY JUDGES ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW UNDER TITLE 10 U.S.C. SECTION 950F(B)(3). IN ACCORDANCE WITH THEIR CONTINUED STATUS AS APPELLATE MILITARY JUDGES PURSUANT TO THEIR ASSIGNMENT BY THE SECRETARY OF DEFENSE AND UNDER 10 U.S.C. SECTION 950F(B)(2), WHILE SERVING ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW, ALL UNLAWFUL INFLUENCE PROHIBITIONS REMAIN UNDER 10 U.S.C. SECTION 949B(B):

To be colonel

LARSS G. CELTNIEKS
JAMES W. HERRING, JR.

To be lieutenant colonel

PAULETTE V. BURTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ERIC DANKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

STEVEN N. CAROZZA
NOAH C. CLOUD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RAMIT RING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY AS AN APPELLATE MILITARY JUDGE ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW UNDER TITLE 10 U.S.C. SECTION 950F(B)(3). IN ACCORDANCE WITH THEIR CONTINUED STATUS AS AN APPELLATE MILITARY JUDGE PURSUANT TO THEIR ASSIGNMENT BY THE SECRETARY OF DEFENSE AND UNDER 10 U.S.C. SECTION 950F(B)(2), WHILE SERVING ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW, ALL UNLAWFUL INFLUENCE PROHIBITIONS REMAIN UNDER 10 U.S.C. SECTION 949B(B):

To be captain

DONALD C. KING

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS AS AN APPELLATE MILITARY JUDGE ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW UNDER TITLE 10 U.S.C. SECTION 950F(B)(3). IN ACCORDANCE WITH THEIR CONTINUED STATUS AS AN APPELLATE MILITARY JUDGE PURSUANT TO THEIR ASSIGNMENT BY THE SECRETARY OF DEFENSE AND UNDER 10 U.S.C. SECTION 950F(B)(2), WHILE SERVING ON THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW, ALL UNLAWFUL INFLUENCE PROHIBITIONS REMAIN UNDER 10 U.S.C. SECTION 949B(B):

To be colonel

KURT J. BRUBAKER

CONFIRMATION

Executive nomination confirmed by the Senate March 14, 2016:

DEPARTMENT OF EDUCATION

JOHN B. KING, OF NEW YORK, TO BE SECRETARY OF EDUCATION.