and do the right thing. Promise to give President Obama's nominee a meeting, a hearing, and a vote. That is your job, so do it.

Mr. President, I see no one on the floor. I ask that the business of the day be announced.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, equally divided, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Democrats controlling the second half.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FILLING THE SUPREME COURT VACANCY

Mr. COTTON. Mr. President, there is a vacancy on the Supreme Court, and this Chamber and the American people must fully understand what is at stake in choosing the person to fill that vacancy. For a generation, Justice Nino Scalia was the conservative heart of the Supreme Court. Whoever takes his seat will not replace him because there is no replacement, but his passing has the potential to dramatically shift the delicate balance of the Court. Should Justice Scalia be replaced by a philosophically liberal Justice, the implications for the rights of Americans and the direction of our Nation would be profound.

A liberal Justice may mean that the individual right to keep and bear arms will be nullified and laws that deprive Americans of the means to protect themselves and their families will proliferate. A liberal Justice may mean that the President's extraconstitutional Executive order to grant amnesty to illegal immigrants will be upheld, trampling the separation of powers and the will of the American people. A liberal Justice may mean that President Obama's plan to destroy America's coal industry will survive, destroying thousands of jobs and steady income for American families.

A liberal Justice may mean that the government will be empowered to force people of faith to violate their deeply held beliefs to subsidize abortifacients they abhor, and these are only the issues we can foresee. Novel issues that strike at the core of our constitutional order will continue to arise and how they are settled will hinge greatly on the next Justice. Because so much depends on who the next Justice is, we cannot rush into this decision. Because the law may take such a dramatic turn, the Members of this Chamber must first get the input of the American people on what the direction of our country should be, and because the next Justice will guide American law for the next generation, the Senate should not subordinate our constitutional responsibility to advise and consent on a Supreme Court nominee to a lameduck President with a stale mandate.

This is the way forward that the majority leader and Chairman GRASSLEY have charted, and it is the right one. After all, we have an election in November. In a few short months, we will have a new President and new Senators who can consider the next Justice with the full faith of the American people.

Why would we cut off the national debate about this next Justice? Why would we squelch the voice of the people? Why would we deny the voters a chance to weigh in on the makeup of the Supreme Court? There is absolutely no reason to do so or at least no principled reason to do so. That is why no Congress in our history has confirmed a Supreme Court nominee of a lameduck President of either party for a vacancy that arose in an election year.

Abiding by this practice this year is even more pressing. Some of my Democratic colleagues argue that the American people have already weighed in on the Supreme Court by reelecting President Obama in 2012, but I will remind those who make this argument that the Constitution requires two institutions, the President and the Senate, to agree upon a new Justice, and in 2014 the voters overwhelmingly chose to send Republicans to the Senate, making clear their dissatisfaction with this President's cavalier attitude toward the Constitution and his duty to execute the laws as written. If the 2014 election meant anything, it meant that Americans do not want this President to determine alone the course of American law for a generation in the Supreme Court. When Arkansas elected me in 2014 to represent them, they sent me to Washington with the mandate to act as a check on the President, and I will carry out that mandate.

Many of my Democratic colleagues have come to this floor to demand that the Senate's longstanding practice of declining to confirm Supreme Court Justices in an election year be discarded and a nominee considered right away. Perhaps the most impassioned of these pleas come from the senior Senator from Nevada; that the minority leader would wish to discard a longstanding practice of the Senate—particularly one related to the judicial nominations—is not a surprise. He was, of course, the person in 2013 who detonated the so-called nuclear option, discarding the 60-vote threshold for appellate and district court judicial nominees that existed in this Chamber for 200 years. He did so in order to steamroll the institutional rights of the minority party and pack the lower courts with as many liberal Obama nominees as possible.

In terms of dignity and public esteem, such as he had, that ill-considered move cost the minority leader dearly. He could only exercise the nuclear option if he flip-flopped on his prior vehement opposition to it. In 2005, the minority leader stood steadfastly against the nuclear option when it served his political interests. He called the nuclear option wrong, illegal, and even un-American. He was—to adapt a familiar saying—against the nuclear option before he was for it.

In the current debate over filling Justice Scalia's seat, we are seeing the minority leader perform a similarly brazen flip-flop, not that we should be surprised by that. Today the minority leader claimed that the Constitution compels the Senate to immediately take up any nominee President Obama sends our way, but 10 years ago, again, he sang a much different tune. The minority leader came to this very same floor to speak passionately in defense of the constitutional prerogative of the Senate to defer a vote on the President's Supreme Court pick. He forcefully stated that nowhere in the Constitution does it say the Senate has a duty to give Presidential nominees an up-or-down vote. It says appointments shall be made with the advice and consent of the Senate, and that is very different than saying that every nominee receives a vote.

What has changed in the 10 years since the minority leader uttered those words? Well, of course, merely the politics of the situation.

I ask, if the current President were a Republican, would the minority leader be taking the position he is today?

If the current President were not a fellow Democrat, would the minority leader still be inclined to trash the constitutional prerogatives of the Senate and abandon its longstanding customs?

In light of what you might call the diversity of the minority leader's views over time, I think it is understandable that questions have been raised about the sincerity of his position. In the quiet moments following the rambling jeremiads that the minority leader directs at Republicans on the Senate floor, I think my colleagues might be forgiven if they entertain the thought that the principled ground on which he claims to stand is slightly less than firm.

In the coming months, there is much work for Congress to do. We must pass a bill to fund and rebuild our military.

We must continue to improve the conditions for wage growth and the creation of new jobs. We must conduct stringent oversight to rein in the excesses of the President on a quixotic pursuit of a legacy, but with regard to a Supreme Court nomination, the only task for this Senate is to wait passionately and listen to the American people.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOBILE NOW ACT

Mr. THUNE. Mr. President, over the last 20 years we have seen incredible advancements in computing, telecommunications, and information technology. The United States has led the world in this innovation thanks to our brilliant entrepreneurs, scientists, world-class universities, massive private sector capital investment, a culture that rewards risk-taking, and a favorable regulatory environment, but increasingly our lead in innovation is threatened as American businesses are forced to contend with an ever-growing number of outdated laws and regulations. While our businesses have often managed to succeed anyway, American industries deserve better from our government.

Congress has a responsibility to ensure that our statutes and regulations are appropriately and narrowly tailored for today's economy and for the future. My Commerce Committee colleagues and I have been eager to do our part in ensuring our Nation's communications laws keep pace with innovation. Last week, we unanimously passed the bipartisan MOBILE NOW Act, which I introduced, along with the committee's ranking member Senator BILL NELSON. This legislation will give a boost to American innovators who are looking to make the next generation of wireless technology, known as 5G, a reality.

Mr. President, 5G wireless will obviously mean things like faster movie downloads and more advanced smartphones, and it will also mean massive leaps forward in areas like technology, entertainment, public safety, and health care, as well as other economic benefits that will make American lives better.

One of the best examples I have heard came from former FCC Commissioner Meredith Attwell Baker. She pointed out that right now a Smart Car communicating with 4G wireless technology takes 4½ feet to brake in response to an obstacle. By contrast, a Smart car with 5G technology would travel only 1 inch before braking, which could be the difference between life and death. In order to make 5G wireless technology a reality, we have to put the right policies in place. Policies that maximize the efficiency of the airwaves that transmit wireless broadband signals and the bands of electromagnetic spectrum that make up our Nation's airwaves are in limited supply. While we can't make more airwaves to carry additional spectrum, we can make changes to how they are used and who uses them in order to improve efficiency and to do more of what we have.

The MOBILE NOW Act will require the government to make at least 255 megahertz of spectrum available for private sector broadband use by the year 2020. That is a lot of spectrum, but MOBILE NOW doesn't stop there. The bill also directs government to assess more than 12,000 megahertz of superhigh frequency spectrum for wireless broadband suitability. For technical reasons, that spectrum has seen only limited use to date, but as new technologies come online in the next few years, this spectrum will become increasingly viable.

Indeed, most people expect that these superhigh bands will become critical for our 5G future. Making spectrum available is important, but freeing up spectrum does not help our digital economy unless and until we put it to good use. This is why several of MOBILE NOW's provisions focus on speeding up the deployment of the communications facilities at the heart of our Nation's broadband networks. One way to do that is by putting a shot clock on Federal agencies to force them to make speedy decisions on companies' applications to place wireless facilities on Federal property. This is critical for rural States like South Dakota and Nevada where placing wireless facilities on Federal lands could bring more high-speed Internet service to underserved communities.

The MOBILE NOW Act is an example of what is possible when Members put aside their partisan differences and work together to come up with commonsense proposals to spur economic growth. In addition to the provisions Senator NELSON and I wrote, MOBILE NOW also includes all or part of six other bills which represent the work of Senators BOOKER, DAINES, FISCHER, GARDNER, KLOBUCHAR, MANCHIN, MORAN, RUBIO, SCHATZ, and UDALL. We also adopted important amendments from Senators HELLER and PETERS. Even the chairman and ranking member of the Senate Environment and Public Works Committee—Senator INHOFE, as well as a longtime former member of the Commerce Committee, Senator BOXER—made key contributions to the bill's ''dig once'' section.

The MOBILE NOW Act would not have been possible without the collaboration of these Senators. So it is my hope that this spirit of bipartisanship will also carry over to the Commerce Committee's efforts to reauthorize the Federal Communications Commission. Compared to other Federal agencies, the FCC is relatively small. But as the regulator of the communications and technology industries, both of which are central to America's modern economy, the Commission has significant influence over the direction of our country.

Given the importance of the FCC, my colleagues might be surprised to learn that Congress has not reauthorized it in more than a quarter of a century. You have to go back to 1990 to find the last time that the FCC, or the Federal Communications Commission, was reauthorized.

The work of the FCC has continued during that period, of course, but reauthorizing this agency every 2 years ensures that Congress will be able to make sure that the FCC has all the tools it needs to keep up with our rapidly changing digital landscape. Some 26 years ago—I think it is safe to say—none of us in this Chamber knew anything about the Web, let alone about smartphones or streaming videos.

Since then, the communications landscape has been fundamentally transformed by digital technology, mobile services, and the Internet. Yet the FCC in that entire time has gone unauthorized, making it the oldest expired authorization in the Commerce Committee's broad jurisdiction. I hope we can change that.

On Monday I introduced the FCC Reauthorization Act of 2016, which includes a handful of noncontroversial, good-government reforms to go with a 2-year reauthorization window. By restarting the FCC's regular authorization cycle, the bill will ensure that necessary congressional oversight of the FCC's budget and procedures occur routinely.

As indicated by the FCC Commissioners themselves at our oversight hearing last week, a consistent legislative reauthorization process will produce a more responsible and a more productive relationship between Congress and the Commission. This will result in better outcomes for both consumers and the rapidly growing broadband-based economy.

Telecom policy was once considered to be one of the least partisan issues in Congress. While the campaign for net neutrality has certainly changed the political playing field over the last decade, I believe there is still a lot of room for bipartisanship on tech and telecommunications issues. The MOBILE NOW Act and the FCC Reauthorization Act are two bills that can make a real difference. I look forward to working with colleagues on the Commerce Committee and in the full Senate to pass both of these bills in the coming months.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

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