over an 800 number or a bar code or another computer code called a quick response code. No, they simply give the information, the way we do on everything else, the way we do on preservatives, food colorings, core ingredients, wild-caught fish versus farm fish, and juice from concentrate versus fresh juice. They make it simple. They just have a simple marking on the package.

Do you know who else provides this simple information to their consumers? China. Do our citizens deserve less information than the Chinese, who live in a dictatorship? Why are Members of this Chamber trying to strip more information away from American citizens than does the dictatorship of China? That is just wrong.

There is an easy solution here. There are a number of reasonable arguments that Big Agriculture is making. They say: Look, we do not want 50 States producing 50 different label standards.

I absolutely agree.

They say: We don't want a bunch of counties and cities producing yet other label standards; that could go into the thousands.

Fair point.

One common way of doing this would make sense. You cannot have a warehouse that is serving three or four different States or multiple communities that need to have this product sorted and distributed, one group to here and one group to there. You can't keep it all straight. It is expensive. There are all these different labels. It is confusing. That is a fair point. I agree. Let's do one 50-State solution.

The industry says: We don't want anything pejorative. We don't want anything that says GM is scary or GM is bad.

I pointed out that there are some advantages to genetic modifications and there are some disadvantages. So I agree there too. Let's not put a marking on a package that is pejorative.

The industry says: We don't want anything on the front of the package. It takes up space. It may suggest there is something scary about this if you are putting it on the front of the package.

OK, fair enough. Let's not put it on the front of the package. I completely accept that point.

The industry says: There are several different ways we could do this. We would like flexibility.

Absolutely. Let's have flexibility.

So I have put together a bill which hits all these key points the food industry has raised. It is a 50-State solution. There is nothing on the front of the package. There is nothing pejorative. And it gives the type of flexibility the industry has talked about.

Under the bill I have put forward, they are allowed to put initials behind an ingredient in parentheses or to put an asterisk on the ingredient and put an explanation below or to put in a phrase—as Campbell Soup plans to do—that simply says: This product contains genetically modified ingredients. Campbell Soup is planning to do that because they say they want a relationship of full integrity with their customers. Shouldn't we all be for full integrity with our citizens? Doesn't that make a lot of sense?

Yet another option would be to put a simple symbol—any symbol chosen by the FDA, so certainly not one that suggests there is anything pejorative about it. Brazil uses a little ''t.'' OK, how about a little ''t'' in a triangle or in a box or something else that the FDA or the food companies would like?

The point is, if someone cares enough to pick up a package, turn it over, and look at the fine print on the ingredients, if they care enough to look, just as they might care enough to look up whether there is high fructose corn syrup, just as they might care enough to see if there are peanuts in it because they have a peanut allergy, or just because they want to look at the ingredients to see how many calories are in a product, if they care enough to pick it up and turn it over, a little symbol—all of those options are available under this type of reasonable compromise. It would appear on each product involved in interstate commerce. OK, so that is consistent, and that is a point made. It is clear. These symbols are clear.

The public that cares get educated. They know what to look for. It is easy to find. It is right there on the package. There is no sending you off on a wild goose chase through a phone tree and an 800 number. There is no proceeding to tell you that you have to use a smartphone, which many people don't have. They might not even have reception to be able to use it effectively if they wanted to. No. It is a simple, straightforward phrase or initials right there on the ingredients package. What could be more appropriate than the simplicity of that?

Many folks have stepped forward to say this makes tremendous sense. Campbell Soup said: Yes, we endorse this. This makes sense. Also, Nature's Path, Stonyfield, Ben & Jerry's, Amy's Kitchen, Consumers Union, the American Association for Justice, the National Sustainable Agriculture Coalition, and the Just Label It coalition.

Yes, OK, that is fine, we are not asking for something on the front of the package. It doesn't have to be on the front. It doesn't have to be scary. It can be in that tiny print on the ingredients page. When an earnest, sincere citizen wants to know, they have the right to know in a consumer-friendly fashion.

I particularly thank the Senators who have already signed on to endorse this legislation: Senator LEAHY and Senator BERNIE SANDERS, who come from Vermont, which has a State labeling bill that would be preempted by this bill. It would be replaced by this 50-State national standard. But because this is a fair standard for consumers, they are endorsing this bill. I also thank Senator TESTER of Montana, Senator FEINSTEIN of California, Senator MURPHY of Connecticut, Senator GILLIBRAND of New York, Senator BLUMENTHAL of Connecticut, Senator BOXER of California, Senator MARKEY of Massachusetts, and Senator HEINRICH of New Mexico. All parts of the country, different parts of the country, and they are all saying: You know what, our citizens, 9 to 1, want a simple, fair statement or symbol on the ingredients list. That is just the right way to go.

If you are going to step on the authority of States to provide information that citizens want, you have to provide a simple, clear, indication on the package. That is the deal. That is the fair compromise. That is standing up for citizens' right to know. That is honoring the public interest. That is a compromise in the classic sense that works for the big issues the companies are talking about. They don't want the expense from individual States and they don't want the complexity and confusion from individual States. What consumers want is a simple indication on the package.

Let's do the right thing. Let's not be worse than China and block our consumers from having access to information. Let's do the right thing that virtually every developed country has done and provide a simple, clear system for citizens to be able to know what is in their food.

The PRESIDING OFFICER. The Senator from North Carolina.

FILLING THE SUPREME COURT VACANCY

Mr. TILLIS. Mr. President, I appreciate the opportunity to come to the floor and talk a little about the ongoing dialogue we are having on the Supreme Court nomination.

Before I start this speech, I wanted to comment on something for those who think all we do is fight here. I think the Presiding Officer was at our bipartisan lunch. I think it is a great opportunity. So often we see the debate on the floor and the dialogue in the committee rooms, but we take the opportunity every month or so and Democrats and Republicans come together and we enjoy each other's company. We talk a little about policy but more about the folks back home. So I just wanted to let the American people know that because we happen to have differences, it doesn't mean we don't like and respect so many of our colleagues.

Today, though, I am talking about something that is a point of contention between Democrats and Republicans, and it relates to the open Supreme Court seat as a result of the tragic passing of Justice Scalia. Originally, I was going to come to the floor and provide a speech I had prepared, but I was in the Judiciary Committee today and I decided—probably against my staff's wishes—to deviate a little from the script and to talk about some of the facts that were put forth in the Judiciary Committee today.

One of the arguments we hear from Members of the Democratic Party is that somehow the Supreme Court has been shut down. That couldn't be further from the truth. Actually, since the passing of Justice Scalia, there have been some 12 arguments heard in the Supreme Court and 5 opinions. There will be several more.

As a matter of fact, over the course of history there have been a number of instances where the Supreme Court has had Justices recuse themselves or Justices go on a leave of absence for another duty. So there have been a number of instances where the Court continues to function just fine with eight, and sometimes even fewer than eight, Justices active in any given opinion. So to say for some reason until we make an appointment to the Supreme Court that the Supreme Court is going to cease to function defies the facts.

As a matter of fact, in the October 2014 session—the Supreme Court has two sessions, the first half of the year and the second half of the year. In October of 2014, there were 72 arguments heard before the Supreme Court. There were only 18 of them that actually were divided along ideological lines within the Court. So three-fourths of all the cases in 2014 were actually settled with significant numbers of people joining together to render an opinion. So the Court is working just fine, and it will continue to work just fine.

I would also argue that the idea put forth by some Members that the Supreme Court is suddenly going to be shut down for a year defies logic and history. The Supreme Court is already in session. They will go through probably the end of June or the beginning of July. There is no possible way, under normal circumstances, that we would have time to appoint a Supreme Court Justice who would be participating in this term. So what we are really talking about is the October term. If the October term of this year bears any resemblance to the October term of 2014, there may be 5 or 10 cases where the 9-member Court would be material. The vast majority of them are going to move through. That is why this idea of shutting down the third branch of government is disingenuous and really supporting a political agenda and less about whether the government is functioning properly.

The other thing I wanted to talk about before I get into some of the reasons I do not support nomination proceedings going through under President Obama is related to some history. Before I get to the history that specifically relates to the constitutional obligation of the Senate, the Senate rules, and maybe some of the positions that have been taken by Members of the minority in the past, I also want to talk about one other area that concerns me in this dialogue.

There has been a discussion about the backroom meetings, making the decisions. Well, members meet oftentimes—we tend to meet the majority of the time—in public settings, but members got together and we decided to come up with a policy that was a clear position that the majority of the members of the Judiciary Committee—and the majority of the members are today Republicans—that we were going to take on the nomination. We all agreed—all 11 of us—that we are not going to move forward with the nomination.

They can call it a backroom deal, but whether you would argue that is an improper practice, what I found interesting is that members of the Judiciary Committee who brought this up did something that I think was a profound show of disrespect to this institution. It happened a few years ago, when in a back room the leader of the then-majority, Senator REID, convinced all the members of the Democratic conference to vote on the nuclear option. The nuclear option is—well, it is great I guess for TV—but structurally the nuclear option is that throughout decades there was a 60-vote threshold for moving nominations through the Senate unless you had consensus to hold it down to 51 votes. In a back room, the then-majority leader, Senator REID, convinced his conference to come to this floor and break the rules to change the rules in order to prevent the minority from being able to weigh in on judicial nominations and a number of other nominations. In fact, after that rule was passed, after that decision was made in a back room and after those folks came to the floor and broke the rules to change the rules, they ended up confirming judges without any input from the then-minority Republicans.

So when people want to stand up here and say that somehow what we did was different, this is one nomination. This is a decision we made about one nomination, but we have a group of people—every single person on the Judiciary Committee, in fact, who are in the Democratic conference, voted to deny the minority from having what has been a decades-old tradition in the Senate to have the minority weigh in on nominations.

I would now like to get to some of the other discussions. First off, we have to recognize we are in the throes of the primary season for the Presidential nomination. It would be very difficult to live in the United States and not know a little about the primary that is going on. The people are in a position where, over a very few short months, they are going to make a decision. They are going to voice their vote, and I, for one, think the people should be allowed to weigh into this decision. I do believe many of the Senators on the other side of the aisle have felt the same way. In fact, I will go through a couple of quotes where they made it very clear. In fact, they are very trained and very articulate and can probably voice their position—which now is my position—better than I ever could.

One thing that comes up in this discussion is our constitutional obligation, and that is the obligation to advise and consent. Keep in mind, the advice and consent is not a constitutional obligation for the Senate to rubberstamp the decisions of the President. Quite the contrary. The whole idea of the three branches was to have certain checks and balances in place. So there absolutely was no concept on the part of the Founding Fathers to say when the President makes a decision, the Congress will rubberstamp that decision. We then have an equal authority to determine whether that nomination will come to a nominations process or we will simply decide not to take up the nomination.

Now, a lot of people think that is a new concept, but the reality is, it is a concept that has been in place for many years in the Senate rules. For people to say we always dispose of nominations in the term we are in defies the existence of this rule, which simply says: Should the Senate choose not to take up a nomination, then the next President will put forth another nomination for consideration.

Again, I think people are finessing what our responsibilities are and whether this is really something different or something that wasn't anticipated by the people who have come before us and who established the rules that govern the Senate.

I want to talk a little about what I think must be a very uncomfortable place for some Members of the minority to be; that is, their own history on the current situation in the Senate. We are in the middle of a campaign. We are in the middle of a tough campaign on both sides of the aisle, whether it is the Democratic primary or the Republican primary. People are engaging in a way they haven't in many years. Turnouts in many of the primaries have been more significant than they have been in many years. People are watching. So we have an opportunity to educate the people on this very important choice in terms of a Supreme Court nomination.

I, for one, think the nomination should be instructed by the vote that is cast in November for the President, and, actually, for that matter, the Senate congressional elections. Some people say: Well, the people have spoken and President Obama was reelected to a second term. That is true. And 2 years later the people spoke again, and I was elected to the Senate and Republicans were brought to a majority. So the people spoke in a different way. Just a few months from now we will get the most up-to-date read of where the American people are, who they want to lead the country, and who they want to nominate as the next Supreme Court Justice.

This quote has been famously reported in the press, and I couldn't say it any better than then-Senator BIDEN did. He talked about the need, at a certain point in time during the political

process, to set things aside, let the people speak, and let that be instructive to the Supreme Court nomination.

Incidentally, I know the Vice President, at the time he made this quote, was the chairman of the Judiciary Committee, the position Senator GRASSLEY currently holds. He was basically saying what Senator GRASSLEY has said and that I fully support. So I think Vice President BIDEN was right the first time. He seems to be stepping back on his words, but I don't think his words can be parsed. They were pretty well-articulated right here on the Senate floor.

Then we come to the minority leader. We now have the minority leader and others coming to the floor talking about what our constitutional duty is, but the minority leader came to this floor—right over there, not very far from where I am now—and he said:

> The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give presidential appointees a vote.

I agree with Senator REID. And finally, we have one from my good friend from New York, Senator SCHUMER. Senator SCHUMER is a very articulate man. He is a practiced attorney, and there are many aspects of the man I admire. In another instance, in a very passionate speech given—it is on YouTube so you can all watch it—he has taken a very similar position; that circumstances get to a point to where maybe we need to hold nominations until we get the information we need that is instructive to the future nomination or the future vote or consent matter.

I agree with Senator REID's 2005 statement, I agree with Senator BIDEN, Chairman BIDEN, now-Vice President BIDEN's statement of 1992, and I agree with Senator SCHUMER's of 2007.

My colleagues, it is time for us to move on and recognize the position we have taken is a position that is going to stand. We can go to the American people back in our States, States like North Carolina, where we have a primary next week, and I will be traveling all across the State tomorrow and Saturday, back again on Monday. I will explain to them why I have taken the position I have, and when we do, all the games that are being played now, with one poll saying one thing or another poll saying another thing, we can cut through the noise and talk about what we are really trying to do.

What we are trying to do is to give the people an opportunity to voice where they want to take the direction of the Supreme Court, where they want to take the Nation in terms of the Presidency, and where they want to take the Nation in terms of the Congress. I am willing to bet on the people's voice, and I am looking forward to it being instructive to the ultimate decision I make about a Supreme Court nominee.

I love getting letters from folks in my State, so the last thing I leave you with is a quote from a lady named Lois from North Carolina. I think she does a good job of summing up my own feelings. She said:

> I really wish the discussions and hoopla could have waited a little longer after Judge Scalia's passing, but we are having the back and forth of what to do. As your constituent, I'm in agreement with the committee position of waiting until after we have a new President. Word out of the White House to the Senate is: Do your job. Well, I, for one, think you are doing your job. It's called checks and balances.

In the coming weeks, I am looking forward to continuing this debate. I want to especially note that Senator GRASSLEY is a wonderful Member of the Senate. He has support and admiration from both sides of the aisle. I appreciate his leadership on this matter. I appreciate Leader MCCONNELL's leadership on this matter. I look forward to getting back to North Carolina and hearing what the people would like for me to consider as we move forward with the nomination process.

I thank the Presiding Officer.

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

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

The legislative clerk proceeded to call the roll.

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

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

AIR SERVICES AGREEMENT WITH CUBA

Mr. FLAKE. Mr. President, last month we reached a milestone in the continuing reform of our policy toward Cuba. The United States and Cuba completed a bilateral air service agreement that is key to ensuring the continued travel of Americans to the island. The newly minted air services agreement will, for the first time in 50 years, provide scheduled air service between the United States and Cuba, including 20 daily flights to Havana and 10 daily flights to other Cuban airports.

As someone who believes that all Americans should have a chance to see a living museum of a failed socialistic experiment, I look forward to the day when all Americans can use Web sites they are familiar with to make reservations, even with their frequent flyer miles, to book flights to Havana and elsewhere in Cuba. Clearly, there is interest on our side of the Florida Strait. With easing of regulatory restrictions, authorized travel to Cuba by Americans has increased by more than 50 percent in just one year. Freedom to travel between the two countries will continue to open cultural and economic ties, benefiting the Cuban people and Americans alike.

While I ardently support everyone's right to travel to Cuba, key to the success will be ensuring that the initial flights being awarded by the Department of Transportation provide for the continued and expanded ability of the Cuban American community to travel to the island via regular air service. This should include adequate regular service to accommodate the growing demand from the largest and closest Cuban American population located in Miami-Dade County.

In addition, having traveled to Cuba multiple times over the years, I hope that the Department closely evaluates the complexity of operating there and ensures that those selected to operate these routes are up to the task—those with experience.

A failure-to-launch scenario would represent a critically missed opportunity represented by the potential of successfully scheduled air services between the United States and Cuba. We can't afford to let this opportunity go to waste.

I have long supported efforts to restore the rights of American citizens to travel to Cuba and have introduced legislation to lift the statutory ban on travel, along with my colleague from Vermont, Senator LEAHY. I am pleased to say that our legislation continues to gain bipartisan support.

As the situation changes on the ground with developments like regular air service, direct air service, and scheduled air service, I hope that thousands upon thousands of Americans will visit Cuba and Congress will do the right thing when it comes to changing our outdated law.

I yield back, Mr. 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.

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

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

REMEMBERING JUSTICE ANTONIN SCALIA

Mr. SESSIONS. Mr. President, the Nation has lost one of the greatest Justices ever to sit on the Supreme Court, Antonin Scalia. My condolences and prayers go out to his wife of 55 years, Maureen, his 9 children, and 36 grandchildren.

My thought is that Justice Scalia's greatness was founded on the power of his ideas. His defense of those founding principles of America at the highest intellectual level is unprecedented, to my knowledge, in the United States. Over his career, he moved the legal world. As a young lawyer out of law school, I remember what the trends were and how Justice Scalia relentlessly, intellectually, aggressively, and soundly drove the message that many of the ideas that are out there today are inconsistent with the rule of law and the American tradition.

The trend was relentlessly toward activism. Judges were praised if they advanced the law—not when they followed the law, or served under the law,