



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 epi-

demio 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.



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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