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## Senate

The Senate met at 10 a.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.

Merciful God, You alone have brought us to this moment. Help us to hear Your whispers and to follow Your leading. Speak to our lawmakers about the difficult issues of our time, reassuring them that You continue to take control of our destinies. Teach them to count their blessings, cultivating an attitude of gratitude. Give us the wisdom to shut out yesterday's disappointments and tomorrow's fears. Lord, show us how to live in day-tight compartments with total dependence on Your mercy and grace. Help us to cherish the freedom of this land as You continue to emancipate us from sin's slavery.

We pray in Your sacred 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 (Mr. COTTON). The majority leader is recognized.

### FILLING THE SUPREME COURT VACANCY AND GENETICALLY MODIFIED FOOD LABELING BILL

Mr. MCCONNELL. Mr. President, in the last national election, the American people elected a Republican Senate. Since then, we have accomplished

a lot of important things for our country—landmark education reform, permanent tax relief for families and small businesses, significant action to repair America's roads and bridges—and, just last week, decisive steps to address the prescription opioid and heroin epidemic. The Republican Senate has been able to lead on many important issues because we focused on areas where both sides can agree, rather than just fight about issues where we don't.

Everyone knows one issue where we don't agree; that is, whether the American people deserve a voice in filling the current Supreme Court vacancy. Republicans think the people deserve a voice in this important vacancy. The President and Senate Democrats do not.

Whoever is chosen to fill the Supreme Court vacancy could radically change the direction of the Court for a generation. The American people obviously deserve a voice in such an important conversation. They can continue making their voices heard, and we can continue doing our work in the Senate to move America forward on important issues.

Americans elected this Republican Senate to serve as a check-and-balance to the President. It is natural that both parties will disagree in some areas. It is natural we will find common ground in others. Let's keep focused on those areas of common ground.

For instance, today I hope colleagues across the aisle will join us in working to protect middle-class families from unnecessary and unfair increases in their food and grocery bills. Vermont passed food-labeling legislation that will be implemented soon and could increase annual food costs across America by more than \$1,000 per family. It is one State's decision, but it could negatively affect families—especially lower and middle-income families—in other States. Now we see other States following in Vermont's footsteps, which

could lead to a patchwork of State laws. We should work to protect America's middle class from the unfair higher food prices that could result, and that is just what the Senate is working to do now.

We know this may be the last chance to stop this economic blow to the middle class, but we can't act if colleagues block us from helping the middle class. As our Democratic colleagues know, we are eager to continue working toward a solution. I would encourage our colleagues across the aisle to work with the bill managers to offer the amendments or alternative proposals they may have.

The commonsense, bipartisan legislation offered by Chairman PAT ROBERTS of the Agriculture Committee would set clear, science-based standards in order to prevent families from being unfairly hurt by a patchwork of conflicting State and local labeling laws passed in places where they don't even live. This bipartisan bill would help meet consumer interest for information about how food is made, while keeping costs from rising at every level of production. It has earned the support of more than 650 groups nationally, including farmers and small businesses. As Kentucky's agriculture commissioner put it, this bipartisan bill would "allow for a more efficient flow of food to consumers everywhere and would cut down on production costs."

We know this is not a safety or health issue. It is a market issue. Officials at both USDA and the FDA—the two agencies charged with ensuring the safety and delivery of our Nation's food supply—have found there are no health, safety, or nutritional risks associated with bioengineered crops and products. At the same time, we recognize that many families have a desire to know what is in the food they are purchasing. That is why the legislation Chairman ROBERTS is working on would offer incentives for the marketplace to provide more information to

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



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consumers while also addressing many of the unintended consequences of a patchwork of State laws. I thank Senator ROBERTS for his continued work with colleagues from both sides of the aisle to move to a solution this week.

The Agriculture Committee recently passed the chairman's mark by a bipartisan vote, and the House passed its own legislation last summer. Now it is time for the full Senate to act so we can protect the middle class from higher food costs, and with continued cooperation from across the aisle, that is just what we can do.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### GENETICALLY MODIFIED FOOD LABELING BILL AND FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, 90 percent of Americans want to know what is in their food. All of Europe, China, Russia, they know what is in their food. We should know what is in our food. Senator STABENOW, the ranking member of the Agriculture Committee, has been trying to work to come up with some reasonable approach, but what she has gotten is not much help from the chair of the committee. There are no discussions going on right now that are meaningful. The Republican leader has offered an amendment that is a purely voluntary scheme, which is a quasi-Roberts proposal and would leave consumers actually in the dark, and that is the truth. But this is just another case of where Republicans in the Senate are trying to create an appearance of doing something without really doing anything at all. It happens so often. This has happened so often during the past year. Things that my friend the Republican leader comes to the floor and boasts about are things we tried to do and we were blocked by Republican filibusters. We have been happy in the minority to be responsible and work with the Republicans to get things done, and we continue to do that. It is the right thing for the country. We are not trying to block everything, as they in fact did. We are trying to get things done.

One of the things we need to get done that belies the fact of this great Senate Republican majority is the fact that we think there should be a Supreme Court Justice. There should be 9, not 8.

One hundred years ago today, this very day, this Senate concluded the confirmation hearing of Justice Louis Brandeis, the first Jewish Supreme Court Justice ever. Prior to his nomination, it was not a custom for the Senate to hold public confirmation hearings to set up Supreme Court nominations, but over the last century these hearings have become a vital part of the Senate's constitutional duty to provide its advice and consent.

For 100 years, the Senate has had open hearings to deal with controversies—real or imagined—surrounding Supreme Court vacancies and nominees.

It is disappointing that Republicans are now willing to throw away a century of transparency and deliberation just to block President Obama's Supreme Court nominee. Republicans will not even meet with this man or this woman. Republicans will not allow a hearing for this man or this woman. Republicans will not allow a vote on this man or this woman, and that is wrong. We want transparency on what is going on here with the Supreme Court. We want transparency on the food we eat.

They are adamant that President Obama's nominee will have nothing—no opening hearing, no public hearing, no hearing at all. It is further evidence of how far Republicans will go to avoid their constitutional duties.

Mr. President, I see no one on the floor to speak, so I ask the Chair to announce the schedule 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 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The Senator is recognized.

#### GENETICALLY MODIFIED FOOD LABELING BILL

Mr. TESTER. Mr. President, many of you know that in my real life I am a farmer. I know where my food comes from and how it is made. Unfortunately, that is not true for most Americans.

We will be dealing with a bill called the DARK Act shortly, and quite frankly the DARK Act does not empower America's consumers. It does not tell them what is in the packaged food they purchase, and it doesn't give them any information when we are dealing with genetically modified ingredients.

I was told that the customer is always right. If you are a good businessman, you listen to your customers. In this particular case, the customer has

a right to know what is in their food. In fact, they expect it because 9 out of 10 consumers say they want labeling for genetically engineered foods. Some of the folks in this body are not listening to the customers. They are not listening to their constituents. Instead, they are listening to the big corporations that want to keep consumers in the dark, and we cannot allow that to happen in this body today. The Senate is above that.

Transparency in everything leaves better accountability and gives more power to average Americans, and that is also true when we talk about food. Free markets work when consumers have access to information. The U.S. Senate should not be in the business of hiding information from consumers.

Let's be clear. What the new DARK Act, which is sponsored by the Senator from Kansas, does is it tells the American people: We in the Senate know what is best for you, and quite frankly, whether you want this information or not, you are not going to get it.

How does this DARK Act do this? First of all, it blocks the States from enforcing their own laws, so we can throw States' rights out the window. Second, this "compromise" would hide the information behind 800 numbers and QR codes.

Let me tell you, if you think this is labeling, if you think this is giving the consumer a right to know what is in their food, you are wrong. This is a game. And for the mom who wants to know what is in her child's cereal or soup or bread, there may be a bunch of different 800 numbers out there, and I don't know about you, but when it comes to phone numbers, especially the older I get, the harder it is for me to remember. Or you will stand in a grocery store aisle and scan each individual product with a smartphone, if you have a smartphone and if you have cell phone coverage at that location, because, quite frankly, in rural America, we don't in a lot of places. And that is going to be the labeling. Unbelievable.

The fact is, if folks are so proud of the GMOs, they should label them. What they are saying is you can voluntarily do it. Frankly, voluntary standards are no standards at all. If they were standards, we would say to the super PACs: Tell us who you get your money from. Tell us what you are spending it on, why you are spending it. We don't know that. We don't know that in our elections, by the way, which puts our democracy at risk, and we won't know about our food if this DARK Act passes.

There are 64 countries out there that require GMO labeling. China, Russia, and Saudi Arabia are not exactly transparent countries, but they are requiring GMO labeling. Vermont passed a GMO labeling law that would go in effect in July. Maine and Connecticut have passed mandatory labeling laws. There are numerous States that require things like farm-raised or wild-