

According to Gallup, 84 percent of Americans disapprove of the way Congress is doing its job. Or perhaps more accurately, not doing its job.

Indeed, from 1900 through 1980, it took the Senate a median of 17 days after nomination to confirm or reject a Supreme Court nominee.

Like today's senators, those senators took an oath to support the Constitution and "faithfully discharge the duties of [their] office."

Now, however, scorched-earth partisanship has thoroughly compromised Congress's ability to operate functionally. More than 100 days have passed since President Obama nominated Judge Garland—and there aren't even any plans to begin hearings yet.

No wonder so many Americans believe our government is severely broken.

If we truly want to make Congress a collaborative enterprise that efficiently works in the interests of the American people, the American people must apply pressure directly to senators like McConnell, Burr, and Portman.

While some people might insist that these senators are simply fighting partisanship with partisanship, blocking a nominee that a Democrat president is trying to force upon American voters without their say, that's a false equivalency.

President Obama is a democratically elected official, faithfully discharging the duties of his office. In democracies, we aren't always governed by the people or the parties that we voted for. But when officials are elected, we must respect their authority, as long as they're exercising that authority within the bounds of whatever regulatory frameworks are in place to guide them. (In this case, it's the Constitution.)

Every American citizen should understand this. And our elected officials shouldn't just understand this—they should be setting an example that all Americans can follow. Instead, McConnell and his colleagues are doing the opposite.

Ultimately, they're not telling President Obama that they don't think his nominee is a good one. They're saying that they refuse to acknowledge President Obama's legitimacy as an elected official.

This kind of partisanship is endemic in Washington, DC now. But this latest behavior is such an egregious example of Congressional dysfunction that Senator McConnell and his colleagues must be held accountable.

That's why I have signed this Change.org petition urging McConnell to give Judge Garland a hearing, and why I strongly encourage others to join me.

Our elected officials must understand that we, the American people, expect them to perform the duties of their office, even when that means working with other elected officials from different parties.

They must understand that we're fed up with business as usual in Washington, DC. They must understand that we want leaders who look for opportunities to collaborate and work together productively, instead of pursuing obstructionism that serves political parties rather than citizens.

So let Mitch McConnell know that it's time to quit abdicating around. Tell him to do his job and schedule a hearing for Judge Merrick Garland now.

IS TRUMP'S ATTACK ON JUDGE RACIST? IF IT QUACKS LIKE A DUCK . . .

(By Steven Dettelbach)

Judge Gonzalo Curiel, the latest victim of Donald Trump's racist attacks, is not allowed to defend himself under the judicial rules. So I will defend him.

I will defend him as a fellow, former federal prosecutor. I will defend him because I

am the husband of an immigrant from Mexico and the father of our two children. And I will defend him as an American, because what Donald Trump is doing is decidedly un-American.

Curiel is a respected jurist. Before becoming a judge, he made a name for almost two decades as a federal prosecutor, investigating and prosecuting Mexican drug cartels. As a former U.S. attorney and career prosecutor myself, I know firsthand that these cases are some of the most difficult and dangerous in our criminal justice system. That work earned Curiel death threats from those same Mexican cartels he fought, threats that did not deter him from protecting this nation for a moment.

Unlike Trump, Curiel comes from Midwestern working-class roots. He was born just hours to the west of here—a place Trump will visit to become the GOP nominee—in Indiana. His parents came to this country and became citizens. His father worked in the steel mills, just like those who built our community, to help put his son through both Indiana University and law school. He was first appointed to the bench in California by another immigrant, Republican Gov. Arnold Schwarzenegger, and then elevated to the federal bench by President Obama after unanimous U.S. Senate confirmation. Curiel's life is a true American success story.

None of this matters to Trump, though. All that matters to Trump are that: 1) Trump thinks he is losing in the Trump University lawsuit before Curiel and 2) the judge's parents came to this country from Mexico, which is of course the only reason he can possibly be losing the lawsuit. Apparently, when things don't go Trump's way, he plays the race card.

In truth, Trump can't hold a candle to Curiel. Unlike Trump, Curiel has done more than talk about protecting our borders. He spent two decades on the border, fighting dangerous drug cartels. Unlike Trump, Curiel was not born as heir to a real estate empire. He earned all he has achieved through hard work and merit.

I am a lawyer. I know that it can be frustrating when a case does not go your way. But Trump's response to losing in that case is to play the race card. That temperament is not only un-presidential, it is dangerous.

Those supporting Trump need to re-evaluate whether lending their own credibility to his racist rants is still tenable. If country really does come before party, how can anyone who calls himself an American leader still support this man who openly berates public servants based on their race?

As a U.S. attorney, I saw the way career law enforcement like Gonzalo Curiel worked to protect us. As a parent, I tell my children that all citizens in this nation must be judged based on what they accomplish, not how they look or where their parents were born. That is America.

Trump evidently understands neither of these basic points. Trump and his supporters say they value plain talk. Well, here is some: Ignoring a person's record and judging him based on ethnic heritage is the definition of racism. Trump did just that. What does that make him?

Quack.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the Martinotti nomination?

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

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

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—92

Alexander	Flake	Murray
Ayotte	Franken	Nelson
Baldwin	Gardner	Paul
Barrasso	Gillibrand	Perdue
Bennet	Grassley	Peters
Blumenthal	Hatch	Portman
Booker	Heinrich	Reed
Boozman	Heitkamp	Reid
Boxer	Heller	Roberts
Burr	Hirono	Rounds
Cantwell	Hoeven	Rubio
Capito	Inhofe	Sanders
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Tester
Corker	Manchin	Thune
Cornyn	Markey	Tillis
Cotton	McCain	Toomey
Cruz	McCaskill	Udall
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	

NAYS—5

Blunt	Risch	Sullivan
Crapo	Sasse	

NOT VOTING—3

Brown	Graham	Lee
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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 now resume legislative session.

## STOP DANGEROUS SANCTUARY CITIES ACT—MOTION TO PROCEED—Continued

### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

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 proceed to Calendar No. 531, S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

Mitch McConnell, Tom Cotton, Shelley Moore Capito, Mike Crapo, Thad Cochran, Jerry Moran, John Thune, John Hoeven, David Perdue, Orrin G. Hatch, Daniel Coats, Pat Roberts, John Barrasso, Bill Cassidy, Patrick J. Toomey, John Boozman, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 119 Leg.]

#### YEAS—53

Alexander	Enzi	Paul
Ayotte	Ernst	Perdue
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Gardner	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Manchin	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Donnelly	Murkowski	

#### NAYS—44

Baldwin	Gillibrand	Mikulski
Bennet	Heinrich	Murphy
Blumenthal	Heitkamp	Murray
Booker	Hirono	Nelson
Boxer	Kaine	Peters
Cantwell	King	Reed
Cardin	Kirk	Reid
Carper	Klobuchar	Sanders
Casey	Leahy	Schatz
Coons	Markey	Schumer
Durbin	McCaskill	Shaheen
Feinstein	Menendez	Stabenow
Franken	Merkley	

Tester	Warner	Whitehouse
Udall	Warren	Wyden

#### NOT VOTING—3

Brown	Graham	Lee
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 proceed to Calendar No. 276, S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

Mitch McConnell, David Perdue, Pat Roberts, John Thune, Dan Sullivan, Roy Blunt, Chuck Grassley, Thom Tillis, Steve Daines, Jeff Sessions, John Barrasso, John Boozman, Richard Burr, Mike Lee, Tim Scott, Deb Fischer, Joni Ernst.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 120 Leg.]

#### YEAS—55

Alexander	Donnelly	McCain
Ayotte	Enzi	McConnell
Barrasso	Ernst	Moran
Blunt	Fischer	Murkowski
Boozman	Flake	Paul
Burr	Gardner	Perdue
Capito	Grassley	Portman
Cassidy	Hatch	Risch
Coats	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Sessions
Crapo	Kirk	Shelby
Cruz	Lankford	
Daines	Manchin	

Sullivan	Tillis	Vitter
Thune	Toomey	Wicker

#### NAYS—42

Baldwin	Heinrich	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Reid
Booker	King	Sanders
Boxer	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Markey	Shaheen
Carper	McCaskill	Stabenow
Casey	Menendez	Tester
Coons	Merkley	Udall
Durbin	Mikulski	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

#### NOT VOTING—3

Brown	Graham	Lee
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The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

Mr. REID. Mr. President, it is my understanding that the next matter we will move to is the GMO cloture vote; is that right?

The PRESIDING OFFICER. The next vote is the motion to invoke cloture with regard to S. 764; that is correct.

Mr. REID. I am going to take some of my leader time now. It is the only time in order.

The PRESIDING OFFICER. Without objection.

#### GMO BILL

Mr. REID. Mr. President, the Senate is about to hold a cloture vote on GMOs. This legislation—I personally need the conversations that are going to take place if cloture is not invoked on this matter. I will be voting no on cloture for that reason. I think it is wrong, and all I have to do is parrot what my friend the Republican leader said numerous times a year and a half ago and many years before that. He said that it is not fair to get on an important piece of legislation and not have an opportunity to offer amendments. That is true, but in addition to that, my friend the Republican leader said that we were going to have a new sheriff in town. He was going to make sure any matter that came before this body had a full hearing in our committees. On GMOs, that is not the case. Certainly there have been none on this bill.

In addition to that, we should have an amendment process. My friend the Republican leader said there would be a robust amendment process when he took over. If this is robust, it is a sad day in the world.

This is wrong. It is unacceptable to push through this important legislation with no debate, no amendments, and without a hearing in the committee. We owe it as a body for the American people to give this legislation proper consideration. Democrats and Republicans alike should be concerned about this. We must not stand for the Republican leader jamming this bill through the Senate, and that is