

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

know the senior Senator from Iowa has been busy listening to what the Republican leader's line is on the Supreme Court vacancy, but this disgusting rightwing attack from Republicans to a fellow Iowan—a judge he enthusiastically supported—demands a response.

Senator GRASSLEY needs to tell the people of Iowa whether he supports the smear campaign that his own Republicans are hurling at Judge Jane Kelly. Does he support the smear campaign? That is a question that needs to be answered, especially since the Judicial Crisis Network—this rightwing, secretly funded by dark money—has been in lockstep with Senator GRASSLEY's obstruction and even praising him while at the same time smearing Judge Kelly.

If he doesn't go on record, he needs to do something. I can't imagine why he wouldn't go on record denouncing this type of disgusting rhetoric. I look forward to the senior Senator from Iowa setting the record straight on his fellow Iowan and a judge whom he personally endorsed.

Madam President, there is no one on the floor. Will the Chair announce the business 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 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Madam 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.

Ms. BALDWIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FILLING THE SUPREME COURT VACANCY

Ms. BALDWIN. Madam President, I rise today to speak about something that guides the work of each and every one of us—the U.S. Constitution. Each and every one of us has taken an oath of office to support and defend the Constitution of the United States. We all solemnly swear that we will bear true faith and allegiance to the Constitution and that we will faithfully discharge the duties of our office. Have some of the Senate Republicans forgotten this?

Last week a colleague was asked in a radio interview on a Wisconsin radio station if Republicans would be more likely to advance a Supreme Court

nomination had a Republican been elected President in 2012. He said: "Generally, and this is the way it works out politically, if you're replacing—if a conservative president's replacing a conservative justice, there's a little more accommodation to it." Do Senate Republicans really believe that they need a Republican President simply to do their jobs?

I would like to remind my colleagues that President Obama was elected to a 4-year term in 2012 with over 65 million votes. The American people decided who our President is, and according to the Constitution, the term the President earned has more than 300 days remaining. The voices of those 65 million Americans need to be heard and respected despite how much some people want to silence them, disrespect them, and ignore them.

On Supreme Court vacancies, the Constitution is also clear. Under article II of the Constitution, the President shall appoint judges to the Supreme Court and the Senate's role is to provide advice and consent. It is the constitutional duty of the President to select a Supreme Court nominee, and the Senate has the responsibility to give that nominee fair consideration with a timely hearing and a timely vote.

It is deeply troubling to me and the people for whom I work in Wisconsin that the Republican majority would choose not to fulfill their constitutional duty. Before the President has even made a nomination to fill the current vacancy, a number of Senators have announced that they will not perform their constitutional duty. This not only runs contrary to the process that the Framers envisioned in article II, but it runs counter to our Nation's history.

Now, some of my colleagues have claimed that the Senate history supports their historic obstruction. This is simply false. In fact, six Justices have been confirmed in Presidential election years since 1900, including Louis Brandeis, Benjamin Cardozo, and Republican appointee Anthony Kennedy, who was confirmed by a Democratic-controlled Senate during President Ronald Reagan's last year in office.

Recently, one of my colleagues on the other side suggested that the nomination and confirmation process for a Supreme Court Justice—perhaps just this impending Supreme Court nomination—would be nothing more than playing pinata. I would like to point out that when playing pinata, children are typically blindfolded, spun around in circles, and then they take a whack at the pinata with either a bat or stick. It is as if my Republican colleagues have become dizzied by what they are hearing around them—perhaps Donald Trump's divisive rhetoric.

Do they see a Supreme Court nominee as nothing more than something to whack over and over, like a pinata? The violence of the metaphor is problematic. Have they lost faith and allegiance in their constitutional duties?

Today, the American people deserve a full and functioning Supreme Court, not an empty seat on the highest Court in the land. The American people cannot afford partisan obstruction that threatens the integrity of our democracy and the functioning of our constitutional government.

In my home State of Wisconsin, people get it. A recent poll there done by Marquette University showed a majority of the people believe that the Senate should hold hearings and a vote on a nominee this year. A majority of Wisconsinites also said they believe that leaving this seat on our highest Court vacant for more than a year will hurt the U.S. Supreme Court's ability to do its job. They are right, and their message to Washington and the Republican majority is simple: Do your job so the Supreme Court can do its job on behalf of all of the American people. The American people deserve better than a long-term vacancy that could jeopardize the administration of justice across our whole country.

So I call on my colleagues to join together on behalf of the American people to fulfill our constitutional obligation of restoring the U.S. Supreme Court to its full strength.

In the spirit of cooperation, in the spirit of bipartisanship, I call on Senate Republicans to end their partisan obstruction and do their jobs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

TRAGEDY IN KANSAS AND IMMIGRATION REFORM

Mr. MORAN. Madam President, I wish to address the Senate in regard to a terrible tragedy that has occurred in our State. I start with the premise that our immigration system is terribly broken and the consequences of flawed immigration policies exhibit themselves across our society. It is hard to understand why nothing has been done to address certain obviously dangerous vulnerabilities and specific problems that put American lives at risk.

Sanctuary city policies and indifference about prosecution of illegal immigrants arrested for dangerous crimes and the tolerance of bureaucratic red-tape by the administration all contribute to a dangerous degrading of the criminal justice system. The failure to address illegal immigration at all levels of government has been accounted for in lost lives.

Sometimes a government failure is just annoying. Sometimes it is deadly. Decades of broken immigration policy contributed to the situation that led to the murder of four people in Kansas and another in Missouri. The victims are Michael Capps, 41 years old, Jake Waters, 36 years old, Clint Harter, 27 years old, and Austin Harter, 29 years old, all of Kansas City, KS, and Randy Nordman, 49 years old, of New Florence, MO. The man suspected of taking these lives is an illegal immigrant—a