

trafficking, human trafficking, other criminal elements—a distribution that goes from south to north on up into the United States.

So I join Senator LEAHY in his expression of grief and condolences for the lady who was murdered.

DRILLING OFF THE ATLANTIC SEABOARD

Madam President, this Senator has conferred with the administration on its proposal for the drilling off the Atlantic seaboard. At least the administration listened to this Senator and kept the Atlantic area off of my State of Florida from proposed drilling leases for this next 5-year lease period. They did that last year. We are grateful they did that for the reasons for which we have fought for years to keep drilling off of the coast of Florida, not only because of what we immediately anticipate—tourism, the environment—but also our military training and testing areas.

So this Senator made the argument to the Obama administration that if you are coming out there with leases off the Atlantic seaboard, don't put it off of Florida. We have military and intelligence rockets coming out of Cape Canaveral Air Force Station. We have the rockets coming out of the Kennedy Space Center for NASA. Obviously, we can't have oil rigs out there when we are dropping the first stages of these rockets. And the administration complied.

But the administration then went on to offer for lease tracks of the Atlantic Ocean from the Georgia line all the way through the Carolinas, including up to the northern end of Virginia—very interesting. Just this morning the administration has walked back the offering of those leases off the eastern seaboard of the United States.

Now, it is certainly good news not only for the fact that they never did it in the first place off of Florida, but it is good news for the Atlantic coast residents who then fought so hard to keep the drilling off their coast. They first released this draft plan in January of 2015, a year ago, and the Department of the Interior had suggested opening up these new areas of the Mid-Atlantic. As we would expect, communities up and down the Atlantic seaboard voiced their objection, and they did it in a bipartisan way. From Atlantic City to Myrtle Beach, cities and towns along the coast passed resolutions to make clear their opposition to the drilling off their shores. Obviously, they weren't the only ones because—surprise, surprise—just this week the Pentagon weighed in and voiced its concerns, having been just corroborated in the Senate Armed Services Committee when I asked the question of the Secretary of the Navy about the concerns that drilling in the Mid-Atlantic region would impact the military's ability to maintain offshore readiness because of the testing and training areas.

The Pentagon had voiced this concern two administrations ago with re-

gard to drilling in the gulf off of Florida, which is the largest testing and training area for our U.S. military in the world. So today, there is the Interior Department's decision to remove the Atlantic from the 5-year plan. Well, what about the next 5-year plan? And what about the rigs already operating in other areas off of our coast, such as off of Alabama, Mississippi, Louisiana, and Texas in the gulf.

We have carried on this fight now for four decades, and today we still have a renewed push to allow drilling off of these sensitive areas for the reasons I have mentioned. Some of our own colleagues are offering an amendment to a little energy bill that is about energy efficiency. It is a nongermane amendment. But what they want to do is to sweeten the pot with all of the revenues for offshore drilling that would normally go to the Federal Government instead to go to the States—another incentive to do that drilling by the oil industry. But what we saw was that the coastal communities—in this case the Mid-Atlantic seaboard—rise up and voice objections, regardless of their partisan affiliation.

We have seen again today that the Pentagon raised its objection, and, unfortunately, we have found a Federal safety regulator asleep at the switch. It has been nearly 6 years since we faced one of the greatest natural disasters that our country has ever seen, and that was the gulf oil spill. Yet, according to the GAO report released just last week, we are no better off now than we were before that tragic accident. As a reaction to that accident, the Deepwater Horizon oil rig explosion that, I remind my colleagues, killed 11 men and sent up to almost 5 million barrels—not gallons, barrels—of oil gushing into the gulf, there were a number of questions that were asked: How could this happen? Where were the safety inspectors?

Well, it soon became clear that the agency in charge—a subdivision of the Department of the Interior, the Minerals Management Service—was so cozy with the oil and gas industry that the Interior Department's own inspector general considered it a conflict of interest. And in response to the IG's findings, the Interior Department decided to reorganize, and it split that agency—the Minerals Management Service—into two, one in charge of leasing and the other in charge of safety.

Last Friday, the GAO—what is the GAO? It is the General Accounting Office. It is the independent, nonpartisan research arm of Congress. The GAO released a report that found that the ongoing restructuring—that splitting into—actually “reverses actions taken to address the post-Deepwater Horizon concerns, weakening its oversight.”

The report goes on to say that the Interior Department's newly created agency in charge of safety—one of the two that were split—the Bureau of Safety and Environmental Enforce-

ment, suffers—this is the report's words—“a lack of coherent leadership” and “inconsistent guidance.”

So here we are 6 years after the gulf oil spill, and we are weakening oversight—the very words of the report—6 years later. Obviously, this is inexcusable. That is why a number of us have asked the Energy and Natural Resources Committee to hold a hearing on this troubling report to get to the bottom of it.

Now, at some point, the objections of the vast majority of people who live along the coast and the economies that depend on those environments and those white sandy beaches and crystal blue water and the military bases that are utilizing the testing and training areas over those waters have to be heard. Their concerns have to be addressed. We can't continue to keep having a fight every time this comes up every 5 years. There is too much at stake. Yet the fight goes on. Now there is the new evidence mounted just last Friday and—lo and behold—the results of that new evidence this morning—pulling the plug on the leasing off the eastern coast of the United States.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I come to the floor today in support of the biotechnology labeling solutions bill.

This legislation will avoid a patchwork of State labeling regulations and in so doing will save families thousands of dollars a year to protect American jobs and provide consumers with accurate, transparent information about their food.

First of all, I wish to thank Chairman PAT ROBERTS for his leadership on the issue of bioengineered food and for bringing forward his chairman's mark. Specifically, the biotechnology labeling solutions bill does three things. It immediately ends the problem of having a patchwork of inconsistent State GMO labeling programs. Second, it creates a voluntary bioengineered labeling program within 1 year. So USDA would set up a voluntary program within a year, and then within 3 years, it requires the Department of Agriculture to create a mandatory bioengineering labeling program if there is insufficient information available on products' bioengineered content.

So it makes sure that we don't have a patchwork of 50 State labeling laws. It sets up a voluntary program within 1 year. Then, if the information isn't out there sufficient for consumers, it makes sure that USDA follows up and ensures that the information is provided and that it is provided in a variety of ways that work for consumers but also work for our farmers and ranchers and for the food industry so that we don't raise costs for our consumers.

This bill will ensure that the Vermont GE labeling law, which goes into effect on July 1 of this year, does

not end up costing American families billions of dollars when they fill up their grocery carts. If we don't act soon, food companies will have one of three options for complying with the Vermont law. No. 1, they can order new packaging for products going to each individual State with a labeling law; No. 2, they could reformulate products so that no labeling is required; or No. 3, they can stop selling to States with mandatory labeling laws. Of course, all of these options or any of these options would not only increase the cost of food to consumers but could result in job losses in our ag communities.

For millions of Americans, the GMO or bioengineered food labeling issue will impact the affordability of their food. Testimony provided by the USDA, FDA, and the EPA to the Senate Agriculture Committee last fall made clear that foods produced with the benefit of biotechnology are safe. Nobody is disputing that the food is safe. The real risk is if we don't address the Vermont GMO law, real families will have a tougher time making ends meet, they will face higher costs, and they are going to have more challenges getting the foods they want.

In fact, if food companies have to apply Vermont's standards to all products nationwide, it will result in an estimated increase of over \$1,050 per year per household. For families having a tough time paying bills, this is in essence a regressive tax. It will hurt people of low incomes more than it will hurt people with substantial means.

From a jobs perspective, the story is also concerning. It has been calculated that if Vermont's law is applied nationwide, it will cost over \$80 billion a year to switch products over to non-GMO supplies. Those billions of dollars a year in additional costs will hurt our ag and food industry that creates more than 17 million jobs nationwide. In my home State of North Dakota alone, 94,000 jobs or 38 percent of our State's economy rely on the ag and food industry.

This is a bad time to make it more expensive to do business in the ag sector. Recently, an economist at the Federal Reserve Bank of Kansas City testified that net farm income in 2015 is more than 50 percent less than it was in 2013, and it is expected to go down again in 2016. So this is an issue that affects our family farms directly across the country.

If Vermont's law goes forward, many farmers who rely on biotech crops to increase productivity will be deprived of that critical tool. This Senator knows how hard our farmers work and how much they put on the line every year when they have to take out an operating loan for crops that may or may not materialize. We shouldn't ask them to feed the Nation with one hand tied behind their backs by taking away biotechnology.

More than just overcoming the problems associated with having a patchwork of State regulations, I think it is

important for Americans to know this legislation ensures that consumers have consistent, accurate information about the bioengineered content of their food. The biotechnology labeling solutions bill creates greater transparency for consumers by putting in place, within 1 year, a new voluntary bioengineered food labeling program to ensure products labeled as having been produced with biotechnology meet a uniform national standard.

As I mentioned, food produced with the aid of bioengineering are, according to the FDA, EPA, and USDA, safe. However, many consumers want to know if the food they are buying is produced using biotechnology, which is why this legislation's national voluntary bioengineering standard makes so much sense. The voluntary program in this legislation will ensure that a consumer who buys a food product with a bioengineering smart label in North Dakota is purchasing a product that is held at the same disclosure standards as food sold in New York, California, or North Carolina.

This voluntary program will let the marketplace respond to consumer demand for information. You can look at the USDA organic food program, a voluntary label many consumers look for in our grocery stores. Yet this bill goes further to create a mandatory bioengineered food disclosure program if the Secretary of Agriculture finds that there is insufficient consumer access to information about bioengineered foods.

We need a solution, and this bill helps keep our Nation's food affordable, it supports jobs, and it provides consumers consistent information about bioengineered foods. I urge my colleagues to work together to support this bipartisan measure.

NATIONAL AGRICULTURE DAY

Madam President, I would like to take just a minute to acknowledge, recognize, and thank our Nation's farmers on National Agriculture Day.

Today on National Agriculture Day, I want to celebrate and thank America's ag producers. That includes those in my home State of North Dakota who provide us with the lowest cost, highest quality food supply not just in the world but in the history of the world. America's grocery stores abound with fresh fruits, vegetables, and meats. Our dinner tables are able to offer our families a greater variety of nutritious, flavorful foods than ever before. They are a testament to the hard work, commitment, and innovation of our Nation's agricultural producers. Agriculture and ag-related industries is also an important part of the American economy, contributing \$835 billion to our Gross Domestic Product in 2014.

Further, our America's food and ag sector provides jobs for 16 million people and contributes billions of dollars to the national economy. Agriculture also has a positive balance of trade and produces a financial surplus for our country.

I especially want to thank the men and women of North Dakota who farm

and ranch. They made agriculture North Dakota's largest industry with nearly \$11 billion in sales last year. I am proud to say North Dakota leads the Nation in the production of 9 important commodities and is first or second in 15. This includes half of all the durum and spring wheat, more than 90 percent of the Nation's flax, and more than 85 percent of the Nation's canola.

America's farmers and ranchers work through drought and floods, crop disease, hail, and other challenges year in and year out. Yet they still get up every morning, put on their boots, and go out in the field and pastures for our country. Our farmers and ranchers built America, and today they sustain it. On National Agriculture Day, we acknowledge the enormous debt of gratitude we owe them.

Thank you, Madam President, and with that I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Thank you, Madam President.

I thank the distinguished Senator from North Dakota for his comments, and I would like to be associated with all of them, in fact, particularly recognizing our farmers in North Carolina. The Senator from North Dakota and I have had discussions about the friendly competition among the agriculture States and the hard work they are doing to feed America and the world, but today I rise to express my support for Chairman ROBERTS' bill for the biotechnology labeling legislation.

I am supporting Chairman ROBERTS' effort because it addresses a real problem. The problem is that a small portion of the food industry is trying to impose their policy preferences onto the entire food supply chain in the United States. We are where we are because the Vermont law is not written in a way that merely impacts the citizens of Vermont. It is astonishing to hear the misleading claim that the Vermont law is about the right to know. If the Vermont law is about the right to know, why is it that the law exempts so many products?

Here are some examples of the absurdity of the Vermont law. Vegetable cheese lasagna would be labeled, but meat lasagna wouldn't. Soy milk would need to be labeled, but cow's milk would not. Frozen pizza would need to be labeled, but delivered pizza would not. Chocolate syrup would need to be labeled, but maple syrup would not. Vegetable soup would need to be labeled, but vegetable beef soup would not. Food at a restaurant would be totally exempt, but not food at a grocery store. Vegetarian chili would need to be labeled, but meat chili would not. Veggie burgers made with soy would need to be labeled, but cheeseburgers would not.

By my way of thinking, it is a patchwork that doesn't make sense if you are trying to come up with a consistent way to communicate to consumers what is in the food they are eating. The

Vermont law is a classic case of the government picking winners and losers and putting the burden of those decisions on the backs of hard-working Americans.

I had this slide up to begin with, but this is something we have to continue to be focused on. If you were to take the Vermont law and have a couple dozen States create their own variance and have all the complexity added, it is estimated the added cost of compliance would result in a cost of some 1,000 additional dollars per household. In this economy, how many families can afford another \$1,000 a year for food?

I am surprised that number is not higher. It most likely will be and here is why: Manufacturers are subject to a \$1,000 fine if one of their products is mistakenly or inadvertently found for sale in Vermont on a store shelf. The food industry will have over 100,000 items in the State of Vermont—a State that has roughly 625,000 residents. If only 5 percent to 10 percent of those products are even unintentionally mislabeled, that means fines of as much as \$10 million per day, in addition to the millions per year companies will have to pay to actually change their supply chains to comply with the law to serve a population of 625,000.

We are often told in this Chamber we need to be more cognizant of the science. Those who are irresponsibly scaring the American people to defend the Vermont mandatory labeling law need to understand the science is against them. Late last year, the FDA rejected a petition calling for mandatory labeling of foods from genetically engineered products stating that “the simple fact that a plant is produced by one method over another does not necessarily mean that there will be a difference in the safety or other characteristics of the resulting foods. . . . To date, we have completed over 155 consultations for GE plant varieties. The numbers of consultations completed, coupled with the rigor of the evaluations, demonstrate that foods from GE plants can be as safe as comparable foods produced using conventional plant breeding.”

During a Senate Appropriations subcommittee hearing last week, USDA Secretary Vilsack responded to questions regarding GMOs by emphasizing that the mandatory labeling efforts are not about food safety, nutritional benefits, or sound science. Two weeks ago, the Secretary was quoted at a conference referring to genetically modified products saying, “I am here to unequivocally say they are safe to consumers.”

Chairman ROBERTS’ language does exactly what Congress should be doing with regard to marketing standards; that is, setting rules of engagement that are consistent, balanced, and fair for all players in the industry by providing consistent information to consumers about the content of their food. With the chairman’s bill, the marketplace has an opportunity to find the

best approaches to getting consumers the information they want without imposing new regulations that add costs to our food supply, complexity, and no more real information or clarity.

If we as a nation are going to have a discussion on the necessity of labeling biotechnology products, fine, but the Vermont law is not the catalyst for that debate, and that conversation should be with the American people, not one State with roughly 625,000 people dictating to the market of more than 317 million people.

I encourage my colleagues to recognize that we should do everything we can to inform consumers about the content of their food. There is a right way to do it and there is a wrong way to do it. There is a more costly way to do it as proposed by the Vermont law or there is a more straightforward, effective, and consistent way, and that is what Chairman ROBERTS is trying to accomplish with this bill. I encourage everyone to support it.

Thank you, Madam 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. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

FILLING THE SUPREME COURT VACANCY

Mr. MANCHIN. Mr. President, I rise today to discuss Presidential nominations. I think most people in this body know I am probably one of the least partisan people—looking at the issues, working across the aisle, always reaching out to my friends and colleagues on the other side of the aisle. I don’t look at the barrier a lot of people look at here.

I know we are able to debate and we are able to advise and consent on nominations because we just did it. I have a tremendous problem in my State, and I think in all of our States—Colorado and all across the country—with opioid addiction and drug abuse. With that being said, I truly believe that for us to fight this war, we have to have a cultural change within the FDA. The President of the United States nominated Dr. Robert Califf, a very good man, but a person who came from within the industry and who I did not think would bring a cultural change. Still, he was the recommendation of the President.

The majority leader from Kentucky basically brought that to the floor for a vote. I thought it was the wrong person, even though this was a nomination from a President of my party, and me being a Democrat. So I think it is a misnomer for us to believe we are going to hold hard to party lines.

I have said that I didn’t think Dr. Califf would bring the cultural change. I hope he proves me wrong. I am willing to work with him on that, and I

will fight to make sure we rid this country of the scourge of legal prescription drug abuse that is ruining families and destroying lives. I think we have proved the President can bring people up, which is his responsibility, and we can look at that person and agree. In this case, I had only four votes on my side. The majority of all the Republicans but one—yes, all the Republicans but one—voted for him. I still think it was wrong, but we are going to make the best of it that we can.

The bottom line is we did our job. We truly did our job, and I can live with that decision. I look at the Constitution, and it is very clear. It says the President “shall.” It doesn’t say “may.” Being in the legislature—and the Presiding Officer has been in the legislature as well—the words “shall” and “may” are worlds apart. It says “shall,” and we know he will nominate.

Why are we not willing to go through this process? I am as likely to find someone he might recommend who I will not vote for as maybe the Chair and maybe our other colleagues. I saw what happened when I first got here. We got condemned for not voting at all. We weren’t getting any votes because there was protection going on. Basically, for whoever is up in the cycle, tough votes make it very difficult for people to get reelected. We proved that to be wrong because basically we saw a big switch in the Senate from the majority to the minority and the minority to the majority.

I have said very strongly that no vote is worse than a tough vote. A no vote in this body is worse than a tough vote. If you are saying that you would rather not vote at all because it might cause a problem back home, I think we have more problems if we don’t do our job. That is why I can’t figure this out.

If the President brings a person up, there is going to be 2 or 3 months, and if we can’t find someone we can agree on—60 of us—that means it will take at least 14 Republicans to find someone they can agree on and they think is good for the country and move forward. If not, then it will run right into the next administration, whoever that may be. But basically we would be doing our job.

I just have a hard time on this one. I am going to evaluate that nominee based on their legal qualifications and judicial philosophy. I am going to look and basically see what type of jurist they have been, what types of decisions they have made, what types of social media they have been on, and what they have talked about. I will look at all of that, which is what we should be doing, to find out as much about that person as I can and to see how they will govern and rule in the future. Hopefully we will find someone who will look at the issues, look at the rule of law, and look at who we are as a country. I think we all can do that. I know very well the Chair can. I know very well every one of our colleagues