

whether our next Justice should apply the text of the Constitution, or alternatively, whether a Justice should rely on his or her own life experiences and personal sense of right and wrong to arrive at just decisions and fair outcomes. Senate Republicans will ensure the American people aren't denied this unique and historic opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I listened to what my good friend from Iowa said about the standards that he is afraid an Obama nominee would utilize. I note that in the dozens and dozens of cases—probably hundreds—that Obama nominees have been voted on, my friend from Iowa did not mention a single case where they applied it to anything but the law, and I suspect that standard would apply to anybody the President would nominate.

Now, Mr. President, on another matter, I want to set the record straight. Contrary to the remarks of the Senate majority leader yesterday, Vermont has not recently passed a GE food-labeling law. I mention that because I am old-fashioned enough to like to have things clear and accurate in this Chamber.

It was in May 2014—nearly 2 years ago—that after 2 years of debate, more than 50 committee hearings featuring testimony from more than 130 representatives on all sides of the issue, the Vermont Legislature passed and the Governor of Vermont signed into law a disclosure requirement for genetically engineered ingredients in foods.

Now, in this body: After one hearing 5 months ago that was only tangentially related to the issue, and without any open debate on the floor, the Republican leadership has decided that it knows better than the State of Vermont. Today we are being asked to tell Vermonters and constituents in other States with similar laws that their opinion, their views, and their own legislative process simply doesn't matter because we can decide on a whim to ignore them. We are actually being asked to tell consumers that their right to know isn't, frankly, theirs at all.

I think in my State, in the Presiding Officer's State, and all the other Senators' States, consumers think they have a right to know. Now we are telling them: Not so much.

I hear from Vermonters regularly and with growing frequency that they are proud of Vermont's Act 120. It is a law that simply requires food manufacturers to disclose when the ingredients they use are genetically engineered. It doesn't tell them they can't use those ingredients; it simply says: Consumers have a right to know. Tell us what you are doing.

Vermonters are concerned and some are actually outraged that the Congress is trying to roll back their right to know what is in the food that they

give their families. Vermont is not the only State whose laws are under attack; we just happen to be the State with the fastest approaching deadline for implementation.

The bill we are considering today is a hasty reaction—a reaction with no real, open hearing—in response to a 2-year-old law that is set to finally take effect and doesn't fully take effect until the end of this year. Instead of protecting consumers and trying to find a true compromise, this bill continues the status quo and tells the public: We don't want you to have simple access to information about the foods you consume. You don't need to know what is in the food. Trust us. We know better. We, Members of the Senate, know better than you do, so we are not going to let you know what is going on. It is no wonder that people get concerned.

Vermont's law and others like it around the country are not an attack on biotechnology. Vermont's law and others like it merely require factual labeling intended to inform consumers. All we are saying is, if you are going to buy something, you ought to know what you are getting. If you want to buy it, go ahead. Nobody is stopping you. But you ought to be able to know what is in it.

Producers of food with GE products have nothing to hide. Let's take Campbell's, which is a multibillion-dollar brand. It is certainly one of the biggest brands in this country. They are already taking steps to label their products. They have to do that to comply with similar laws in other countries. They said: Sure, we will comply, and we will label our packages.

Our ranking member on the Agriculture Committee, Senator STABENOW, has had commitments from other CEOs in the food industry who are ready and able to move ahead with labeling and national disclosure. They actually know that consumers really care about what they are getting. Now the U.S. Senate wants to tell those millions of consumers "You have no right to know. We are going to block your chance to know, and we are going to keep you from knowing what is in your food." And some of these large companies are saying that they agree with the consumer. An asterisk, a symbol, a factual notation on a product label is not going to send our economy into a tailspin and cause food prices to spiral out of control.

Again, let's get rid of the rhetoric. I heard some on the floor in this Chamber argue that Vermont's labeling law will cost consumers an average of \$1,000 more per year on food purchases. Wow. The second smallest State in the Nation passed a law that simply tells companies to disclose the ingredients in the food consumers are buying, and somehow that law is going to cost consumers \$1,000 more per year in food purchases? If the claim wasn't so laughable, we might be able to ignore it. But we found out where that cost es-

timate came from. It came directly from a study paid for by the Corn Refiners Association and is based on every single food manufacturer in the United States eliminating GE ingredients from their food. We are not asking anybody to eliminate anything—this is not what anyone is asking companies or farmers to do. We are just saying: If I buy something and I am going to feed it to my children—or in my case, my grandchildren—or my wife and I are going to eat it, I would kind of like to know what is in it. All we are asking for is a simple label.

At a time when too much of the national discourse is hyperbolic at best, why don't we set an example for the rest of the country? Try a little truth in this Chamber. GE labeling should be the least of our woes.

In fact, the bill before us today is an attack on another Vermont law. That law has been on the books for only, well, 10 years. Oh my God, the sky is falling. It is actually similar to a law that is on the books in Virginia these are genetically engineered seed labeling laws. Farmers in both Vermont and Virginia have benefited from this law, and those selling seed to other States have complied with it. Why preempt State laws that have worked well for 10 years and with which companies are already complying? Are we going to do that because one or two companies that are willing to spend a great deal of money feel otherwise?

GE labeling is about disclosure. It gives consumers more information, more choices, and more control on what they feed themselves and their families. If we hide information from the consumers, we limit a measure of accountability for producers and marketers.

I don't know what people are trying to hide. Our producers and marketers in Vermont are proud to showcase not just the quality of their products but the methods by which they are produced. We are not blocking our markets to anybody, whether it is GE foods or otherwise. If it works, we ought to give people a choice. Why have 100 people here say: Oh no, we know better than all of you.

I am a proud cosponsor of Senator MERKLEY's bill. It provides for a strong national disclosure standard. It would give manufacturers a whole variety of options to disclose the presence of GE ingredients in their food, and they can pick and choose how they do it.

I am equally grateful to Senator STABENOW. She has fought hard to negotiate a pathway toward a national disclosure standard. We should not move forward with this bill without an open and full debate. We shouldn't just say to consumers throughout the country: We know better than you.

I am not going to support any bill that takes away the right of Vermont or any State to legislate in a way that advances consumer awareness. If we don't want to have a patchwork of State disclosure laws, then let's move

in the direction of setting a national mandatory standard. Some of the biggest food companies in this country are moving forward and complying with Vermont's law.

This week is Sunshine Week, so let's hope the Senate rejects efforts to close doors and not let the American public know what is in their food. I hope they will oppose advancing this hastily crafted legislation and work towards a solution that actually lets the consumers in Texas, Iowa, Vermont, or anywhere else know what is in their food.

I see the distinguished majority deputy leader on the floor. I have more to say, but I will save it for later.

The PRESIDING OFFICER. The Senator from Iowa.

FOIA IMPROVEMENT ACT OF 2015

Mr. GRASSLEY. Mr. President, last week, when the Senate passed the Comprehensive Addiction and Recovery Act, I spoke on this floor about the good work that is getting done in the Senate since Republicans took over. Time and again, we have seen both sides of the aisle come together to find practical solutions to real problems facing the American people.

That is the way the Senate is supposed to work, and we need to keep that momentum as we move forward to tackle other critical issues.

As chairman of the Judiciary Committee, I continue to be proud of the role we have played in getting work done in a bipartisan manner.

Today, on the floor of the Senate, we are doing that once again. We are passing another Judiciary Committee bill that carries strong, bipartisan support. We are passing another Judiciary Committee bill that solves real issues and is supported by folks on all ends of the political spectrum.

Don't get me wrong. Finding agreement on both sides of the aisle is no easy task. Even the most well-intentioned efforts can get bogged in the details.

But the fact that we are here today is a testament to good-faith negotiations and a commitment to make government work for the American people. And it is another indication of what this institution can be and what it was meant to be.

The FOIA Improvement Act makes much-needed improvements to the Freedom of Information Act, and its passage marks a critically important step in the right direction toward fulfilling FOIA's promise of open government.

I am proud to be an original co-sponsor of the FOIA Improvement Act, and I want to thank Senator CORNYN and the ranking member of the Judiciary Committee, Senator LEAHY, for their tireless, bipartisan work to advance this bill through the Senate.

I am especially proud that the bill's passage occurs during this year's Sunshine Week, an annual nationwide ini-

tiative highlighting the importance of openness and transparency in government.

Every year, Sunshine Week falls around the birthday of James Madison, the father of our Constitution. This isn't by mistake.

Madison's focus on ensuring that government answers to the people is embodied in the spirit of FOIA, so passing the FOIA Improvement Act this week is a fitting tribute to his commitment to accountable government and the protection of individual liberty. And it is an opportunity for us all to recommit ourselves to these same higher principles.

This year marks the 50th anniversary of FOIA's enactment. For over five decades, FOIA has worked to help folks stay in the know about what their government is up to. The Supreme Court said it best when it declared: "The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."

To put it simply, FOIA was created to ensure government transparency, and transparency yields accountability.

After all, a government that operates in the dark, without fear of exposure or scrutiny, is one that enables misdeeds by those who govern and fosters distrust among the governed. By peeling back the curtains and allowing the sunlight to shine in, however, FOIA helps fight back against waste, fraud, and abuse of the taxpayer's dollar.

No doubt, FOIA has successfully brought to light numerous stories of government's shortcomings. Through FOIA, folks have learned about public health and safety concerns, mistreatment of our Nation's veterans, and countless other matters that without FOIA would not have come to light.

But despite its successes, a continued culture of government secrecy has served to undermine FOIA's fundamental promise.

For example, we have seen dramatic increases in the number of backlogged FOIA requests. Folks are waiting longer than ever to get a response from agencies. Sometimes, they simply hear nothing back at all. And we have seen a record-setting number of FOIA lawsuits filed to challenge an agency's refusal to disclose information.

More and more, agencies are simply finding ways to avoid their duties under FOIA altogether. They are failing to proactively disclose information, and they are abusing exemptions to withhold information that should be released to the public.

Problems with FOIA have persisted under both Republican and Democrat administrations, but under President Obama, things have only worsened, and his commitment to a "new era of openness" has proven illusory at best.

In January, the Des Moines Register published a scathing editorial, out-

lining the breakdowns in the FOIA system and calling on Congress to tackle the issue head-on.

The editorial described: "In the Obama administration, federal agencies that supposedly work for the people have repeatedly shown themselves to be flat-out unwilling to comply with the most basic requirements of the Freedom of Information Act."

It continued: "At some federal agencies, FOIA requests are simply ignored, despite statutory deadlines for responses. Requesters are often forced to wait months or years for a response, only to be denied access and be told they have just 14 days to file an appeal."

According to the editorial: "Other administrations have engaged in these same practices, but Obama's penchant for secrecy is almost unparalleled in recent history."

These are serious allegations, and no doubt, there are serious problems needing fixed.

So reforms are necessary to address the breakdowns in the FOIA system, to tackle an immense and growing backlog of requests, to modernize the way folks engage in the FOIA process, and to ultimately help change the culture in government toward openness and transparency.

What we have accomplished with this bill—in a bipartisan manner—is a strong step in the right direction.

First, the bill makes much-needed improvements to one of the most over-used FOIA exemptions. It places a 25-year sunset on the government's ability to withhold certain documents that demonstrate how the government reaches decisions. Currently, many of these documents can be withheld from the public forever, but this bill helps bring them into the sunlight, providing an important and historical perspective on how our government works.

Second, the bill increases proactive disclosure of information. It requires agencies to make publicly available any documents that have been requested and released three or more times under FOIA. This will go a long way toward easing the backlog of requests.

Third, the bill gives more independence to the Office of Government Information Services. OGIS, as it is known, acts as the public's FOIA ombudsman and helps Congress better understand where breakdowns in the FOIA system are occurring. OGIS serves as a key resource for the public and Congress, and this bill strengthens OGIS's ability to carry out its vital role.

Fourth, through improved technology, the bill makes it easier for folks to submit FOIA requests to the government. It requires the development of a single, consolidated online portal through which folks can file a request. But let me be clear: it is not a one-size-fits-all approach. Agencies will still be able to rely on request-processing systems they have already built into their operations.