



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, THURSDAY, APRIL 14, 2016

No. 57

## Senate

The Senate met at 9:30 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.

Almighty and eternal God, You are hidden from our sight, but we feel Your presence. Incline our spirits to seek You, our minds to know You, and our hearts to love You. Forgive us when we fail to hunger and thirst for righteousness.

Bless our lawmakers. Join them in heart, mind, and soul to do their best for the common good. Keep them so dedicated to Your purposes that they will do justly, love mercy, and walk humbly with You.

Lord, into Your hands we commit our Nation and world.

We pray in Your marvelous 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. HELLER). The majority leader is recognized.

### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 96, H.R. 2028.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 96, H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 96, H.R. 2028, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Thad Cochran, Bill Cassidy, Roy Blunt, Mark Kirk, Thom Tillis, James Lankford, Cory Gardner, Orrin G. Hatch, John Thune, Johnny Isakson, Lisa Murkowski, James M. Inhofe, Susan M. Collins, Lamar Alexander, Shelley Moore Capito, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

#### FAA REAUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, today the Senate is closer to passing the most comprehensive aviation security reforms in years, and I hope we will do so today. This important legislation will bolster security for travelers and look out for consumers' interests.

Here is how it will help improve security: by improving vetting and inspections of airport employees to deter terrorist attacks; by expanding security measures and prescreening zones, which are often vulnerable; by shoring

up security for international flights coming into our airports; and by improving preparation for everything from cyber security attacks to active shooter scenarios to outbreaks of communicable diseases.

This legislation will also benefit consumers by requiring airlines to offer refunds for lost or delayed bags, by providing more information on things like seat availability, and by improving travel for passengers with disabilities. It accomplishes this without increasing taxes or fees on passengers and without imposing heavyhanded regulations that diminish choice for travelers.

This important FAA reauthorization and airport security legislation is the result of strong leadership by Senator THUNE, the chair of the Commerce Committee, and Senator AYOTTE, the chair of the Aviation Subcommittee, as well as their Democratic counterparts, Senators NELSON and CANTWELL. They worked diligently across party lines, listened to their colleagues' ideas, and never stopped working for legislation both sides could support.

In the Commerce Committee, nearly 60 amendments were accepted from both sides, and the bill passed by voice vote. On the floor, more than a dozen amendments were accepted from both sides, and I am optimistic that we will soon pass it here on a bipartisan basis. I appreciate the efforts of the bill managers to work through amendments and move the bill forward.

This important FAA reauthorization and airport security legislation was bipartisan from the start. It shows why returning to regular order is so important. It is another example of what can be achieved in this Republican-led Senate—a Senate we put back to work for the American people.

#### ENERGY POLICY MODERNIZATION BILL

Mr. President, thanks to an agreement reached last night, the Senate is now poised to pass broad, bipartisan energy legislation too. We have an agreement to take the Energy Policy

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



Printed on recycled paper.

S2067

Modernization Act back up, consider even more amendments, and then take a final vote on it.

I was encouraged to see the Democratic leader yesterday agreeing that this is important legislation. It will support more American jobs, more American growth, and more American energy independence, and we will finish our work soon.

Passage of this bill will represent the culmination of more than a year's worth of hard work, countless listening sessions and oversight hearings, numerous amendment votes and debate hours, and impressive reserves of determination from both the chair, Senator MURKOWSKI, and the ranking member, Senator CANTWELL.

Senator MURKOWSKI and Senator CANTWELL never gave up. Even when passage of this bill seemed impossible, they never stopped pushing for it. I have been impressed by their efforts just as I have been impressed with what this broad bipartisan energy bill can achieve for our country.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### ENERGY AND FAA BILLS

Mr. REID. Mr. President, I agree with the Republican leader that the energy bill is a good bill. As I said yesterday, it is just 3 years behind time. We have tried many times to move forward on it, but filibusters took place by the Republicans, and we were unable to get it done.

He is right that Senator CANTWELL and Senator MURKOWSKI never gave up and they worked through lots of problems. I wish we could have taken care of Flint in the process. That held things up for a little while but not long, and we are still looking at ways to take care of the people of Flint who have been really damaged by bad government.

So we are glad that Flint will come up in the near future, and we think we have ways of getting that done. Maybe we will see it in the appropriations bills that we are doing.

Energy is good, and I am glad we got it done. Now, we have allowed this to move forward. We have not been blocking the bill. We agreed, even though the bill is long overdue, and we are not going to treat people the way we were treated. So we are glad that is done.

On the FAA bill, I am glad we are going to get something done. As we know, we missed an opportunity to take care of a lot of people who are desperate for help. People in the State of Nevada—geothermal—they need help. Fuel cells, biomass, and other energy initiatives were left out. By inadvertence in the drafting of the bill, they were left out. The Republican leader said he will take care of that, and I am confident that he will. It is a longer wait for people, and it makes it difficult for people to hang on to their businesses. I know that his job is hard. He has told me and he has told Leader PELOSI that he will get this done this

year. So we are looking forward to that.

#### PASSING A BUDGET RESOLUTION AND FILLING THE SUPREME COURT VACANCY

Mr. President, tomorrow is April 15. Under the Congressional Budget Act, that is the day by which Congress is supposed to have completed a budget resolution.

This Republican Congress will not meet tomorrow's deadline. We have known that for some time. By all indications, they have no intention of doing anything to pass a budget resolution any time soon.

As the Republican leader told reporters earlier this week, in the absence of a budget resolution, Republicans will simply use the top-line spending numbers that we agreed upon last year. Here is what he said:

We're waiting to see if the House is able to do a budget. In the meantime I've already announced, and I'll announce again today that we're going to move to appropriations next week, probably starting with energy and water, and we'll mark these bills to the top line that we agreed to in the agreement last year.

As we know, just a minute ago, he filed cloture on the energy and water bill.

If this statement he made sounds familiar, it should, because that is what we did when we were in the majority. We used the top line numbers in the Murray-Ryan budget agreement as a basis for spending bills. Republicans will begin that same process today as the appropriations process gets under way with the first full committee markup of the year.

But how did Republicans react when we did the same thing? They were falling all over themselves—speech after speech—to criticize us. They had charts and graphs and anything to focus on there being no budget. They came out endlessly to taunt us with over-the-top rhetoric. They shed crocodile tears by the bucket. They even threatened to withhold Members' pay as punishment. There was legislation produced to that effect, but it was all for show.

Republicans promised voters that, once in power, they would pass a budget each and every year. That is what the Republican leader promised in 2012, saying:

I don't think the law says, "Pass a budget unless it's hard," so I think there's no question that we would take up our responsibility. . . . We will be passing a budget. . . . Every year.

That was the Republican pledge: Give us the majority, and we will pass a budget every year.

Well, it is pretty clear that they are going to break that promise.

This is just the latest example of the Republicans refusing to meet their commitments—refusing to do their jobs—even according to their own terms.

It is just like the refusal to consider Supreme Court nominee Merrick Garland. We have years and years' worth

of statements from the Republican leader and the chairman of the Judiciary Committee in which they said unequivocally that it is the Senate's duty to consider the President's Supreme Court nominees. I have read their quotes on this floor endlessly.

These statements go back decades. The Republican leader wrote papers in law school demanding the Senate give Supreme Court nominees all due consideration. Well, all due consideration is not refusing to meet with a man, not holding hearings, and not allowing a vote.

But now that he, the Republican leader, is in a position to do something about that article he wrote in law school and the other statements that have been made by the chairman of the Judiciary Committee, he won't give Merrick Garland a hearing or a vote. He won't even meet with him, even though the chairman of the Judiciary Committee met with him in secret, not in his office but in the private dining room downstairs, and then went out the back door, described as stumbling over chairs to vacate the premises.

So, basically, what I ask is this: Where are all the Republican Senators who came to the floor to bash Democrats for the lack of a budget resolution? They have gone silent. I am just asking: When are the Republicans going to do their job?

Mr. President, I see no one on the floor wishing to speak, so I ask the Chair to announce the business of the day.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Pending:

McConnell (for Thune/Nelson) amendment No. 3679, in the nature of a substitute.

Thune amendment No. 3680 (to amendment No. 3679), of a perfecting nature.

The PRESIDING OFFICER (Mr. ROUNDS). The senior Senator from South Dakota.

Mr. THUNE. Mr. President, I urge my colleagues to support the motion to end debate so the Senate can vote and pass the pro-security and pro-consumer provisions within the bipartisan Federal Aviation Administration Reauthorization Act of 2016.

For the past 2 weeks on the Senate floor and earlier at the Commerce Committee, we have engaged in a constructive and open process to consider amendments making important changes to this legislation that sets