United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, THURSDAY, MARCH 26, 2015 No. 51—Book II

Senate

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2016—Continued

AMENDMENT NO. 919

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Reed amendment No. 919.

The Senator from Rhode Island.

Mr. REED. Mr. President, this amendment is based on legislation Senator BLUMENTHAL and I introduced last Congress to close a major loophole in the current corporate tax law by putting an end to unlimited tax write-offs for performance-based executive pay. In 1993, Congress limited the deductibility of executive pay to $1 million, with an exception for performance-based compensation. But over the last two decades, corporations have made the exception the rule, and we have seen more pay designated as performance based even in some cases where the company is not doing very well for the shareholders.

It has been estimated that between 2007 and 2010, $121.5 billion in executive pay was deductible, and roughly 55 percent of that was for performance-based compensation. Businesses and shareholders should establish the pay of their officers and employees, but the taxpayers should not be subsidizing excessive pay at corporations. I urge a ''yes'' vote. It will save more than $50 billion over 10 years.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, again I ask my colleagues to vote ''no.'' Tax reform must be handled by the tax committee. Putting it in the budget does not help move the process forward. There are a number of questions the committee needs to address: What does it mean, corporate compensation in excess of $1 million? Does that include or exclude health care? Does this include baseball players and actors and actresses as well? What are we talking about with limiting compensation? Can you limit compensation for people by a Federal law? If they have earned more than that, what about people who are operating under contract?

I urge my colleagues to vote ''no'' on this amendment. It will be handled in the tax committee when we consider tax reform.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Feinstein	Mikulski

The amendment (No. 919) was rejected.

The PRESIDING OFFICER. There is 2 minutes of debate equally divided prior to a vote on Cotton amendment No. 659.

The minority leader.

QUORUM CALL

Mr. REID. Mr. 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 and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Alexander	Donnelly	Perdue
Ayotte	Durbin	Peters
Baldwin	Enzi	Portman
Blunt	Ernst	Reed
Booker	Gardner	Reid
Boozman	Hirono	Risch
Boxer	Inhofe	Roberts
Brown	Isakson	Rounds
Capito	King	Rubio
Cardin	Klobuchar	Schumer
Casey	Lankford	Sessions
Cassidy	Leahy	Shaheen
Cochran	Manchin	Stabenow
Collins	McConnell	Thune
Corker	Menendez	Tillis
Cornyn	Moran	Vitter
Cotton	Murkowski	Wicker
Crapo	Murphy	Wyden
Daines	Murray	

The PRESIDING OFFICER. A quorum is present.

AMENDMENT NO. 659

There is 2 minutes of debate prior to the vote on the Cotton amendment No. 659.

The Senator from Arkansas.

Mr. COTTON. Mr. President, this amendment establishes a reserve fund to ensure the Fish and Wildlife Service considers the cumulative economic impact of a critical habitat designation

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and not just the incremental impact when listing a previously designated critical habitat.

A critical habitat designation provides additional protections for endangered species, but States like Arkansas have seen critical habitat designations that do not take into account the full economic impact on farmers, ranchers, and landowners.

Previously, the full economic impact of a designation was considered, but that has been modified recently so only the marginal impact between the endangered species listing and the critical habitat designation is considered.

Any reforms should not change the listing process, and I would not suggest we should change the listing process in this measure. I simply want to account for the full economic impact of such designations, and I urge my colleagues to cast a ''yes'' vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, there are two ways to repeal landmark environmental law. One is through the front door, and the amendment would say we abandon the Endangered Species Act. It is gone. And one way is through the back door. This is through the back door.

If radical amendments like this one were in place, we would not have saved the great American Bald Eagle, the symbol of our Nation.

If you believe that God's creations should be preserved, vote no on the Cotton amendment.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the Cotton amendment.

Mrs. BOXER. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. SCHATZ), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—52

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

NAYS—42

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

NOT VOTING—6

Feinstein	Mikulski	Shelby
Kirk	Schatz	Udall

The amendment (No. 659) was agreed to.

AMENDMENT NO. 993

The PRESIDING OFFICER. There is 2 minutes of debate prior to a vote on Menendez amendment No. 993.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, the Congress came together to create the do-not-call list, and it is time for Congress to come together again to update this important consumer protection legislation and protect Americans as we intended to do. We all know of many of our constituents and our families who are bothered by unwanted phone calls at dinner, at night when we are home with our families.

It makes sense, as we decided then when we passed the law, to decide whether you want to receive soliciting phone calls, and that right should be respected under the law. Unfortunately, a few unscrupulous companies have ignored Americans' wishes and continued to pester people, and they see the penalties as the cost of doing business. That has to stop. We have to stop it, and we can do so by giving the appropriate flexibility to the entities that are supposed to enforce the law to be able to do so.

I think this is a noncontroversial amendment. If it is, I am happy to accept a voice vote.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, there is no objection on our side.

The PRESIDING OFFICER. The question is on agreeing to the Menendez amendment No. 993.

The amendment (No. 993) was agreed to.

AMENDMENT NO. 664

The PRESIDING OFFICER. There is 2 minutes of debate on the Cotton amendment No. 664.

The Senator from Arkansas.

Mr. COTTON. Mr. President, I know Guantanamo Bay operations are a controversial matter in this Chamber. This amendment does not address that.

I took a group of Senators to Guantanamo Bay a couple of weeks ago. Soldiers are living in substandard barracks. Communication facilities are not adequate. Even if you oppose detention operations at Guantanamo Bay, you should know that, in barely 20 years, there have been five different humanitarian operations at Guantanamo Bay, to include post-Haiti earthquake operations.

This amendment would allow for construction to ensure that Guantanamo Bay Naval Base, regardless of detainee operations, treats our troops to the highest standards they deserve, and preserves it for humanitarian contingency operations in the future.

I urge a ''yes'' vote.

I ask unanimous consent to modify the amendment with the modifications at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I raise a point of order that the pending amendment is not germane to the underlying resolution and would violate section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I move to waive the applicable provision of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. REED. Mr. President, is there still time?

The PRESIDING OFFICER. There is no time available.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—49

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

NAYS—48

Baldwin	Gillibrand	Reed
Bennet	Heinrich	Reid
Blumenthal	Heitkamp	Rounds
Booker	Hirono	Sanders
Boxer	Kaine	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Manchin	Stabenow
Carper	Markey	Sullivan
Casey	McCaskill	Tester
Coons	Menendez	Tillis
Cornyn	Merkley	Udall
Durbin	Murphy	Warner
Enzi	Murray	Warren
Flake	Nelson	Whitehouse
Franken	Peters	Wyden

NOT VOTING—3

Feinstein	Kirk	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The majority leader.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

I will say to my Republican colleagues, we are going to have a conference in the Strom Thurmond Room right now.

There being no objection, the Senate, at 1:05 a.m., recessed subject to the call of the Chair and reassembled at 2:13 a.m. when called to order by the Presiding Officer (Mr. GARDNER).

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2016—Continued

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, it is my understanding there will be a vote on the Brown amendment that is pending.

The PRESIDING OFFICER. The Senator is right.

There is 2 minutes of debate prior to a vote on Brown amendment No. 994.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the disposition of the Brown amendment, which we were just discussing, No. 994, the next amendments in order be the following and that the Senate vote on the amendments in the order listed with no second-degree amendments in order prior to the votes: Vitter No. 811, Warren No. 1094, Lee No. 855, Cardin No. 367, Rubio No. 552, and Kaine No. 1047, as modified.

I further ask unanimous consent that there be 2 minutes equally divided between the managers or their designees prior to each vote and that all votes after the first in this series be 10 minutes in length.

Let me just say parenthetically that if everyone will stay in their seat—the clerk tells me it takes 7 minutes to call the roll. So if everyone will stay in their seat, we will go straight through. They tell me it takes 7 minutes to do it. This should take us about an hour if we get started.

Further, I ask unanimous consent that following the disposition of the listed amendments and any cleared amendments agreed to by both managers and both leaders, the remaining pending amendments be withdrawn and the Senate proceed to vote on adoption of the resolution, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

AMENDMENT NO. 994

Mr. BROWN. Mr. President, I ask to call up amendment No. 994.

The PRESIDING OFFICER. The amendment is pending.

Mr. BROWN. Mr. President, 18 years ago, the 6 biggest U.S. banks had assets equal to 18 percent of the GDP. Today, those six banks' combined assets are about 63 percent of GDP, with an average of more than 5,000 legal entities operating in 57 different countries.

Dodd-Frank requires large banks to produce an annual living will explaining the bank's plan for its own rapid and orderly resolution through the bankruptcy process in the event of material financial distress or failure. The Brown-Vitter amendment says that if banks cannot credibly explain how they can fail safely, then they are considered too big to fail and they need to have more capital or be restructured until they can go bankrupt without a government bailout.

As Chairman SHELBY told the Senate Banking Committee on Tuesday, if a bank is too big to fail, it is probably too big to exist.

I ask support for the Brown-Vitter amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, there is no objection on our side. We would hope for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the Brown amendment.

The amendment (No. 994) was agreed to.

AMENDMENT NO. 811

The PRESIDING OFFICER. There is 2 minutes of debate prior to a vote on Vitter amendment No. 811.

The Senator from Louisiana.

Mr. VITTER. Mr. President, during the ObamaCare debate on the Senate floor, the Senate passed an amendment to the Obama bill saying that all Members of Congress need to go to our exchange for health care, just as other Americans have gone to the exchange—no special deal, no special exemptions, and no special subsidy.

After that was passed into law, a lot of folks didn't like it, and a special rule was applied by the Obama administration to change some of that situation. This amendment would say: No, we are going to live by that statute. We are going to go to the exchange for our health care—no special subsidy, no special deal—and it would also apply to the President, the Vice President, and their political appointees.

This amendment would not change anything at all with regard to congressional staff.

I urge support for my amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, colleagues, this is very important. Today, every single Senator is treated like every single person in the country who works for a large employer. Those large employers all make a contribution to their employees' health care. We don't get any subsidies. We don't qualify for subsidies. We are treated like everyone else in this country who has an employer contribution to their health care.

Now, colleagues, you do not have to take that employer contribution. If you don't want it, give it back. You don't need this amendment to give it back. If you feel as strongly as Senator VITTER does that you and your family don't want or need this employer contribution, then give it back to the Treasury, as I assume Senator VITTER does.

Again, we don't need this amendment. If you don't want your employer contribution, you vote yes.

The PRESIDING OFFICER. All time for debate has expired.

Mrs. BOXER. And if you believe we should be treated like everyone else in the country, vote no. That is how I am voting.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—52

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