

Mr. ROUNDS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 7 minutes.

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

REMEMBERING PAUL KINSMAN

Mr. ROUNDS. Mr. President, I rise today to commemorate the life and legacy of Paul Kinsman. Paul was born in Watertown, SD, on September 7, 1958, and died in Pierre, SD, on January 10, 2016, at the young age of 57. Paul was a lifelong South Dakotan and a dedicated public servant to the citizens of our State.

After earning his law degree, Paul began 28 years of public service to the people of South Dakota. We are a better State and a better people because of his hard work and his dedication.

As an administrative law judge, the deputy commissioner of administration, the director of property taxes and special taxes, the commissioner of administration, and the secretary of revenue, he inspired his coworkers with his intelligence, his humor, and his tenacity for getting things done.

During my 8 years working as Governor of South Dakota, Paul served as commissioner of the Bureau of Administration and secretary of revenue. He was a burly, teddy bear of a man. No matter how hard the problem or how challenging the issue, whenever we met he had a gleam in his eyes and a smile on his face that told me without words that we were going to solve that problem or meet that challenge. And we did because of him.

As an administrative law judge and tax collector, he earned the respect and admiration of the public, even when his rulings and applications of law were not in their favor. He was straightforward and fair, which South Dakotans appreciate.

As the head of the Bureau of Administration, he led and championed many projects that increased the efficiency of State government to serve the people and preserve the heritage of South Dakota in the people's house, our State capitol.

But more important than all of his career accomplishments is the kind of person Paul Kinsman was. He was a loving husband, father, grandfather, and friend to all who knew him. He had a tremendously positive impact on the many thousands of people he met and touched with his kindness and generosity. With this, I welcome the opportunity to recognize and commemorate the life and legacy of this public servant and my friend, Paul Kinsman.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ENEMIES LIST REGULATION

Mr. McCONNELL. Mr. President, news outlets reported something today that should worry all of us. Apparently, President Obama is again—once more time—considering imposing his enemies list regulation by Executive

order, just weeks after Congress voted overwhelmingly to pass, and the President signed into law, legislation prohibiting him from doing that very thing.

The enemies list regulation would inject partisan politics into the government contracting process by allowing an organization's political leaning and donations to be considered. Here is the practical effect: Administrations of either party could draw friends lists and enemies lists and then award contracts based upon whether an organization backed the right horse in the last election.

That is the kind of thing you would expect in some banana republic but not in the United States of America. So why would the President even attempt to impose such a bad idea?

Let me remind my colleagues of something the President's own Chief of Staff recently said. He implied that the central question President Obama will now ask himself before imposing a policy is—listen to this—“Why not?”

“Why not?” Think about that—not whether it is good for the country, not whether it is constitutional, just “why not.”

If future Republican Presidents lived by this “why not” standard, Democrats would be truly outraged. If future Republican Presidents ignored prohibitions passed by Democratic-controlled Congresses, Democrats would be outraged. When the legislature passes a prohibition and the President signs that prohibition into law, it is the law.

I hope every one of my colleagues, even those who support the idea of an enemies list, will join me in that sentiment at least. If it is the law, it is the law. We are always mindful that the precedents set today could be wielded by a different President tomorrow.

The intent of the prohibition Congress passed here is absolutely clear, regardless of creative arguments the administration might construct to justify skirting the law.

If President Obama's standard these days is “why not,” then here are a few reasons why not. Here is the first: He can't do it. That should really be the end of the discussion.

For the sake of argument, here is another reason: It is a terrible policy. Just listen to what members of the President's own party have said about it. One of our Democratic colleagues in the Senate said:

Under the Federal Acquisition Regulation, the award of contract must be based on the evaluation of quality, price, past performance, compliance with solicitation requirements, technical excellence and other considerations related to the merits of an offer. The requirement that businesses disclose political expenditures as part of the offer process creates the appearance that this type of information could become a factor in the award of Federal contracts.

She explained:

Requiring businesses to disclose their political activity when making an offer risks injecting politics into the contracting process.

The second-ranking Democratic in the House—not some back-bencher—said:

The issue of contracting ought to be on the merits of the contractor's application and bid and capabilities. . . . There are some serious questions as to what implications there are if somehow we consider political contributions in the context of awarding contracts.

He said he was “not in agreement with the administration” on this issue.

So, look, no one should have to worry about whether supporting a certain political party or a candidate will determine their ability to get a Federal contract or keep their job. I hope what we read in the papers is not accurate.

The President's enemies list proposal fails even the “why not” test on multiple levels:

No. 1, he can't.

No. 2, it is bad policy, as Democrats have reminded us.

If you need another reason, here is a third: No. 3, Congress has rejected these types of policies already.

There are plenty of reasons why the President should not attempt to impose this regulation, and the President should heed them.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

230TH ANNIVERSARY OF THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

Mr. LANKFORD. Mr. President, in 1992, the House and Senate joined together to pass a resolution designating January 16 as Religious Freedom Day to celebrate one of the most powerful and unique freedoms within our Nation's founding and fabric. This day is significant because it marks the passage of the 1786 Virginia Statute for Religious Freedom originally authored by Thomas Jefferson.

2016 marks the 230th anniversary of the passage of this statute that, as Congress recognized, “inspired and shaped the guarantees of religious freedom in the First Amendment.” It reads in part: “. . . no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced . . . in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.”

The Founders understood that there is a direct connection between the prosperity and health of a nation and its respect for human rights and religious freedom. Individual faith grows