



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, JULY 9, 2015

No. 106

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MITCH MCCONNELL, a Senator from the Commonwealth of Kentucky.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, keep us from being a nation that forgets You. Remind us that righteousness exalts any nation, but that sin deprives, degrades, and destroys, providing reproach to any people.

Arise, O God. Lift Your hands and lead our lawmakers to accomplish Your purposes. Use them to break the stranglehold of wickedness, providing deliverance for captives and freedom for the oppressed. In You, O God, we find refuge. May we not be brought to shame, for You can make even our enemies be at peace with us. Continue to guide us, strong Deliverer, for we are pilgrims in this land. We are weak, but You are mighty. Guide us with Your powerful hands.

Lord, we praise You for the courage of the South Carolina Legislature.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MITCH MCCONNELL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. MCCONNELL thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader is recognized.

EVERY CHILD ACHIEVES ACT

Mr. MCCONNELL. Mr. President, No Child Left Behind laid the groundwork for important reforms to our education system. But with its authorization expiring in 2007, and with the previous Senate majority failing to replace it with a serious proposal, many of the original requirements stayed in place anyway and gradually became unworkable.

This resulted in a lot of States getting tangled up in endless bureaucracy, reducing their ability to focus on boosting achievement and school performance. That was certainly true in the Commonwealth I represent. Kentucky was actually the first State to petition for some freedom from the law's requirements, and with that additional flexibility came better results.

Kentucky improved its graduation rate, climbing into the top 10 among all States. Kentucky increased the number of students who met statewide standards. Kentucky raised the percentage of students entering postsecondary education programs, increasing that number from about half to more than 68 percent in just a few years' time.

So this additional flexibility has been good for Kentucky but only to a point, because the White House began to tack on more and more requirements as a condition of continued relief from the original law's mandates, leaving many States in an untenable situation. This is how the White House was able to impose Common Core in many places that didn't necessarily want it. In a sense, the flexibility one hand gave, the other has continually taken away.

It is clear that temporary relief, strapped with other Federal mandates, is not a workable choice for States. This is why we need congressional action to replace the broken husks that remain of No Child Left Behind with reforms that build on the good ideas in the original law while doing away with the bad ones.

That is what the bipartisan Every Child Achieves Act before us would, in fact, achieve. It would grow the kind of flexibility we have seen work so well in States such as Kentucky, and it would stop Federal bureaucrats from imposing the kind of top-down, one-size-fits-all requirements that we all know threaten that progress.

Kentucky has already seen success with the limited and conditional flexibility granted to it so far. So just imagine what States such as Kentucky could achieve when fully empowered to do what is right for their students. This is how Kentucky education commissioner Terry Holliday put it in a letter he sent in support of this bill:

I can attest based on our experience that the waiver process is onerous and allows too many opportunities for federal intrusion into state responsibility for education. The long-term health of public education in the United States requires reauthorization and an end to the use of the waiver as a patch on an otherwise impractical system of requirements.

He is, of course, just right, and we have never been closer to achieving the kind of outcome our kids deserve. Many thought Washington could never

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



Printed on recycled paper.

solve this issue, but the bill before us was supported unanimously by Republicans and Democrats in committee. Members of both parties are having a chance now to offer and vote on amendments to the bill too. We had several amendment votes yesterday. I expect more today. If our colleagues from either side of the aisle have more ideas to offer, I would ask them to work with Senator ALEXANDER and Senator MURRAY to get them moving.

This is what a Senate that is back to work looks like. With continued bipartisan cooperation, this is a Senate that can prove the pundits wrong again by passing another important measure to help our country and our kids.

Remember, the House of Representatives already passed its own No Child Left Behind replacement just last night, as it has done repeatedly in years past. Now is the time for the Senate to finally get its act together after 7 years of missed deadlines on this issue. A new Senate majority believes that the time for action and bipartisan reform should be now, and with continued cooperation from our friends across the aisle, it will be.

BURMA

Mr. MCCONNELL. Mr. President, on an entirely different matter, a few weeks ago I came to the floor to discuss the importance of Burma's election this fall. I noted that its conduct would tell us a lot about the Burmese Government's commitment to the path of political reform. I said that demonstrating that commitment would be critical to reassuring Burma's friends abroad and that it could even have consequences for further normalization of relations with the United States, at least as it concerns the legislative branch.

So I urged Burmese officials to take every step to ensure an election that would be as free and fair as possible. Yet on June 25, the Burmese Government took a step backward from the path to more representative government.

Let me explain. There is little doubt that Burma's Constitution contains numerous flaws that need to be revised if the government is to be truly representative.

First, it unreasonably restricts who can be a candidate for President—a not so subtle attempt to bar the country's most popular opposition figure from ever standing for that office. But then it goes even further, ensuring an effective military veto over constitutional change—for instance, amendments about who can run for the Presidency—by requiring more than three-fourths parliamentary support in a legislature where the Constitution also reserves one-fourth of the seats for the military.

Let me say that again. The Constitution reserves one-fourth of the seats for the military and requires a three-fourths vote to amend the Constitu-

tion—completely jerry-rigged. It is obvious to see why things should change if Burma is to pursue a path of a more representative government.

Allowing appropriate constitutional fixes to pass through the Parliament would have said some very positive things about the Burmese Government's commitment to political reform. But when the measures were put to a vote on June 25, the government's allies exercised the very undemocratic power the Constitution grants them to stymie the reform.

This stands in stark contrast to the support for reform among elected Burmese lawmakers, which is likely higher than 80 percent. So among the people elected by the people, 80 percent favor the reform, and the 25 percent inserted into the process by the military guaranteed that no reform occurred. So even if the actual conduct of the election proves to be free and fair, it risks being something other than, certainly, the will of the people.

When the most popular figure in the country is precluded from being a candidate for the highest office in the land, and when approximately 80 percent of the people's chosen representatives are stymied by lawmakers who are not democratically elected, it raises fundamental questions about the balloting that is coming up this fall and about the Burmese Government's commitment to democracy. In fact, at this point it is unclear if the opposition NLD Party will even participate in this fall's election.

We knew that legal, economic, political, and constitutional development and reform would evolve in that country through fits and starts. This is only realistic, given the baseline from which Burma was starting when Congress agreed to lift some of the sanctions.

Those of us who have followed Burma for a long time also know that, given its history, the military fears change, ethnic unrest, and the uncertainty that a more democratic government might bring. That is well acknowledged, but improving relations with the United States meant both sides would have to take some risks. This was a moment for the military to take another important step on its end, and it was a missed opportunity.

In light of the recent defeat of constitutional reform, I believe that steps such as including Burma in the Generalized System of Preferences Program should be put on hold until after this fall's election. Only after the ballots have been cast and counted in Burma can an appropriate evaluation be made about the pace of reform in the country and whether additional normalization of relations is warranted.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The Democratic leader is recognized.

REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, first, I wish to take just a moment to praise the good work being done by the chairman and the ranking member of the HELP Committee. The senior Senator from Tennessee and the senior Senator from Washington have done a remarkably good job to bring this reauthorization to the floor.

Elementary and secondary education is so important, and we are not living up to the standards that we should have. It is important to remember that all of this could have been done a long time ago.

On the floor I mentioned yesterday that Senator Harkin—who I said was a legendary Senator who served here for six terms, plus a number of terms in the House of Representatives—for quite some time was chairman of the HELP Committee, and when he wasn't chairman, he served under the guidance and leadership of Senator Kennedy.

Yesterday I said that the Republican leader came to the floor and was boasting: Oh, we are getting this bill done. It is so great that things are working so well in the Senate.

I mentioned at that time—yesterday—that Senator Harkin tried to bring the bill to the floor. He sent me an email last night, and he said that he on two separate occasions—2011 and 2013—got a bill out of the committee. But what happened? It was blocked coming to the floor by the Republicans—the same group of people who are now boasting that things are working so well here.

Well, Mr. President, I think it is a shame that people come here to the floor and boast about the fact they have spent the last few Congresses trying to ruin Congress and the country. And they have done a pretty good job of it.

We are happy to be on this bill. And there is no motion to proceed, such as I had to do on virtually every bill we brought to the floor. But let's understand that historically. My friend the Republican leader is living in a dream world. In fact, it is fast becoming a theme of this 114th Congress—bringing up legislation that Republicans have blocked in the past. Senator STABENOW from Michigan calls it the filibuster makeup.

Look at the accomplishments about which my friend the Republican leader brags that he has gotten done this year:

Terrorism risk insurance. We would have done that at any time during the last Congress—at any time—and he knows it.

The Clay Hunt suicide prevention bill. That was a bill which was so easy to get done. It was blocked. The Republicans wouldn't let us move forward on it.

Appropriations for the Department of Homeland Security. We were prevented from doing that.

The human trafficking bill. We spent a lot of time on it in this Congress. We