



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, AUGUST 6, 2015

No. 127

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 8, 2015, at 2 p.m.

Senate

THURSDAY, AUGUST 6, 2015

The Senate met at 11:30 and 5 seconds a.m. and was called to order by the Honorable DAVID PERDUE, a Senator from the State of Georgia.

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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PERDUE, a Senator from the State of Georgia, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

MORNING BUSINESS

WILDFIRE FUNDING

• Mr. ENZI. Mr. President, Congress needs to find a fiscally-responsible solution to wildfire funding and fire borrowing. While the Forest Service still has half a billion dollars remaining for fire suppression, there are years when firefighting costs exceed predicted funding levels. We need a focused discussion on this issue and I plan to begin the conversation with key offices

and States—Wyoming, Oregon, Idaho, Arizona, Alaska, Washington, California, Nevada, Montana, Colorado, and others that would like to join and will be constructive to its resolution. I know there are differences of opinion out there as to how to solve this problem, but the key to solving it is getting everyone in a room to discuss it. As cap adjustments are under the jurisdiction of the Budget Committee, I look forward to working with my colleagues on a durable and long-lasting solution that fits our fiscal priorities and is responsible budgeting.

• Mr. WYDEN. Mr. President, I agree with the Senator from Wyoming that we need to find a solution to this problem and I have introduced legislation with Senator CRAPO that currently sits in the Budget Committee. Oregon is on fire and the Forest Service tells me that with current fire seasons getting longer and current budgetary constraints, the days of spending over 50 percent of their budget on suppressing fires is here to stay. The time for talking is coming to an end and the time to negotiate a fix to this very serious problem is at hand. I would like to work under the leadership of my friend, the chairman of the Senate Budget Committee, over the summer, on an answer to this chronic problem.

• Ms. CANTWELL. Mr. President, I agree with the Senator from Wyoming. Senator MURKOWSKI and I have been working together to propose a solution to this problem as well, and I am proud to be able to say that we have been working with Senator ENZI, Senator WYDEN, and our other colleagues. We have to enable the Forest Service to

have both the resources it needs to deal with wildfires, but also the resources it needs to manage the National forests. The current system of paying for wildfires by, perpetually, taking funding away from the programs that enable the Agency to maintain recreation facilities and complete important restoration projects is simply unacceptable. We can't sit idle and expect this budget issue to fix itself. We all agree a budget cap adjustment of some sort is the solution needed to end the practice of fire borrowing. I appreciate Senator WYDEN's efforts to fix this problem, and I appreciate Senator MURKOWSKI's recent work to fix this problem. Most of these solutions have the common theme of requiring a budget cap adjustment, and we are looking to your leadership, Senator ENZI, to assist us with that. People's homes are burning because of these wildfires. We need to get the Forest Service and the Department of the Interior the money they need to respond to wildfires, but we also need to ensure the money is being well spent. We have a number of ideas to round out the solution. I will be working over the summer with my colleagues to develop comprehensive legislation that solves this budget problem, but also ensures we see fewer large wildfires and fewer houses being lost to them. Our solution—and I want to emphasize our—will be a solution that is easy to explain to the public and that is able to get to the President's desk to be enacted.

• Ms. MURKOWSKI. Mr. President, I want to thank the chairman of the Budget Committee for his leadership on the important issue of wildfire

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



Printed on recycled paper.

S6429

budgeting. I think we all agree that the way wildfire management has been funded is broken and that it is past time that we fix it. Earlier this year, the Senate Appropriations Subcommittee that I chair reported the Interior Appropriations bill. My bill provided full funding for the average annual cost of fire fighting over the past 10 years, and included a limited cap adjustment to access disaster relief funding only if the agencies exhaust 100 percent of that 10-year average of wildfire suppression funds. This proposal would end the disruptive and unsustainable practice of borrowing from, and later repaying money to, other government programs to deal with fire emergencies, while also providing up front the resources the agencies need to fight fires in all but the most extreme years. But there is more to the issue of wildfire budgeting as my colleague, Senator CANTWELL, points out. We need to ensure the dollars Congress appropriates are well spent. Senator CANTWELL has some good ideas on how to do that. I stand ready to work with my colleagues to advance a solution that will finally fix this long-standing problem in a fiscally responsible manner.

• Mr. CRAPO. Mr. President, I rise to support the efforts of the Senator from Wyoming to address budgetary issues impacting how our Nation fights wildfires. Like the State of Wyoming, Idaho's forested lands are consistently under threat of catastrophic wildfires. According to the National Interagency Fire Center in Boise, in the last year alone there were 1,456 wildland fires in Idaho that burned 714,057 acres. As more resources go toward fire suppression, resources that could be used to implement projects that improve forest health, benefit forest communities, and enhance public safety are squeezed. We know that wildfires are going to continue to be a threat, and we can better prepare for the increasing costs of wildland fire management by making needed changes that will support the preparation of firefighters and land managers. That is why I partnered with Senator RON WYDEN in introducing legislation, the Wildfire Disaster Funding Act, to provide for more efficient and effective fire management. I look forward to working with my colleagues across the West, and in the Senate Budget Committee in particular, on legislation that would better budget for our Nation's fire suppression activities.

• Mr. McCAIN. Mr. President, I want to commend the Budget Committee chairman for his ongoing efforts to tackle the fire-borrowing issue. We all agree that the Forest Service should receive the funding it needs to fight fires. I am also glad that there is growing agreement that the Forest Service should budget for 100 percent of its wildfire suppression costs as proposed in legislation introduced by me and my colleagues, Senator FLAKE and Senator BARRASSO. We also know that science

has shown how forest restoration is highly effective in reducing wildfire severity. I look forward to working with Senator WYDEN and the chairman of the Senate Budget Committee on an agreeable solution that protects wildfire prevention and wildfire suppression as the two top priorities of the Forest Service.

• Mr. FLAKE. Mr. President, there is wide agreement that the current wildfire funding system is broken. There is no doubt that wildfires are disastrous and the cost to suppress them continues to grow. But we cannot let the costly and disastrous nature of wildfire make us lose sight that many of the costs of fighting fire can be anticipated. Like Senator MCCAIN, I am pleased that there is growing consensus that the fiscally responsible way to deal with these wildfires is to allow access to additional funds through a limited process only after agencies have been appropriated for 100 percent of the anticipated costs of suppression. I look forward to working with my colleagues on enacting this funding fix as well as incorporating provisions that ease the removal of the hazardous fuels that create fire-prone landscapes.

• Mr. BARRASSO. Mr. President, I want to thank the senior Senator from Wyoming and chairman of the Senate Budget Committee for his steadfast approach to addressing budget priorities in a responsible and fiscally sound manner. There is bipartisan agreement to end the practice of fire borrowing. If Congress is going to consider budgetary cap adjustments under the jurisdiction of the Budget Committee, the Forest Service should first budget for 100 percent of its wildfire suppression costs before cap adjustments are made. In order to bring down the long-term cost of wildfire suppression, Congress should also actively engage in supporting activities which reduce the cost and severity of wildfire such as hazardous fuels treatments, thinning, and other active forest management projects. I have joined with Senators McCain and Flake on legislation to address these issues. I have also put forward legislation to treat more acres to improve forest health and reduce the risk of wildfire. I want to work with my colleagues in the Senate, and specifically Chairman ENZI, to prevent future fire borrowing and reduce the long-term economic and ecological costs associated with wildfires.

• Mr. MERKLEY. Mr. President, yesterday, the Forest Service announced that for the first time in its 110-year history, it is spending more than 50 percent of its budget just to fight wildfires. The Forest Service expects this problem to keep getting worse. Within a decade, they are projecting that firefighting costs will rise to two thirds of the Forest Service budget. The Forest Service can no longer sustain these costs of fighting wildfires while continuing other critical functions of managing our Federal forests. It is long overdue that Congress elimi-

nate the vicious cycle of fire borrowing, where the Forest Service is forced to dig further and further into its budget to fight fires at the expense of critical work to reduce hazardous fuels from the forest and other forest management. I am very grateful that we have such a strong bipartisan group of colleagues working together on this critical matter. I thank my colleagues who are joining me today, and I note that it is this kind of bipartisan cooperation that gets the issues done, along with the strong leadership of Senator WYDEN who has championed this issue with a bipartisan bill for the last two Congresses, in addition to the strong leadership of Senator MURKOWSKI which allowed us to take a big step in the right direction in the Interior Appropriations bill for fiscal year 2016. It is crucial to our communities facing threats of wildfire that we keep this cooperation going. I will keep working with my colleagues to solve this urgent budgetary crisis.

• Mr. DAINES. I want to thank Chairman ENZI for his commitment to solving the wildfire funding challenge that is increasingly forcing the Forest Service to spend more of its budget suppressing fires rather than preventing them through enhanced management. Like many other Western States, Montana has already experienced several high-intensity fires this year. The fire season thus far has been one of the worst in the past decade and has only made more evident the urgent need for a wildfire funding solution. As a co-sponsor of the Wildfire Disaster Funding Act, I believe it is critical that Congress end fire borrowing and ensure that the Forest Service can spend more of its budget on making our National forests more resilient to fire, while also equipping the Agency with the tools and authorities it needs to restore active management. I look forward to working with Chairman ENZI, other Budget Committee members, and fellow colleagues to find consensus on these high-priority reforms.

• Mr. TESTER. Mr. President, I join my colleagues in wanting to fix the way we fund fire. We have to start using common sense and budget for catastrophic wildfires like we do for other natural disasters. Unfortunately, due to congressional inaction and growing costs associated with fighting wildfires, the Forest Service is increasingly turning into a firefighting agency. This means fewer resources for smart public land management. Montana's National forests benefit our outdoor recreation economy, support timber jobs in rural communities, and preserve the drinking water that Montanans rely on. I look forward to working with my colleagues on both sides of the aisle to address both the issues of fire borrowing and the increasing costs of fighting fires. The Forest Service cannot continue to absorb these increasing costs without undermining other critical priorities, from timber harvest and research to conservation

and recreation management. There is real bipartisan support for getting something done on this issue and I am confident a growing number of our colleagues will join us as we push forward this fall.●

50TH ANNIVERSARY OF THE VOTING RIGHTS ACT

• Mr. CARDIN. Mr. President, I wish to commemorate the 50th anniversary of the Voting Rights Act of 1965, which we will celebrate today, August 6. I want to spend a few minutes talking about Freedom Summer, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the civil rights challenges we still face today, and how Senators can work together to make this a more perfect union and guarantee equal justice under the law to all Americans, as promised by our Constitution.

On January 23, 1964, the States ratified the 24th Amendment to the Constitution, which provides that “the rights of citizens of the United States to vote in any primary or other [Federal] election . . . shall not be denied or abridged . . . by any State by reason of failure to pay any poll tax or other tax.”

Freedom Summer was a campaign in Mississippi to register Black voters during the summer of 1964. In 1964, most Black voters were disenfranchised by law or practice in Mississippi, notwithstanding the 15th Amendment to the Constitution, which was ratified in 1870. The 15th Amendment provides that “the rights of citizens of the United States to vote shall not be denied or abridged by . . . any State on account of race, color, or previous condition of servitude.”

The national uproar in response to the deaths of three civil rights workers—James Earl Chaney, Andrew Goodman and Michael “Mickey” Schwerner—helped lead to the passage of the Civil Rights Act of 1964. Southern States, however, continued to impose barriers on African-American citizens’ right to vote even after the enactment of the Civil Rights Act of 1964.

The following summer, Martin Luther King, Jr. and other civil rights leaders led a series of voter registration marches from Selma to Montgomery, AL. Ultimately, the marchers were met with force on March 7, 1965, known as Bloody Sunday, at the Edmund Pettus Bridge in Montgomery, AL. Television news reports shocked the conscience of Americans, who could not believe that their fellow citizens were ruthlessly beaten by the police while exercising their First Amendment right to peaceably assemble and petition their government for redress of grievances.

A few days later, President Lyndon B. Johnson addressed a joint session of Congress and called for the enactment of the Voting Rights Act, ended his speech with the old refrain from the civil rights movement: we shall overcome. Congress did act and pass the

Voting Rights Act, as this week we celebrate the 50th anniversary.

So as we celebrate the anniversaries of these landmark pieces of civil rights legislation, we are reminded that there is more work to be done. Today I must urge my colleagues to address the recent pernicious efforts to restrict the franchise and limit access to the fundamental right to vote. This past weekend, The New York Times Magazine ran an article entitled “Overcome,” about a systematic effort by a small group of activists to dismantle the protections in the Voting Rights Act. I commend this article for review by my colleagues.

Two summers ago, the Supreme Court issued its decision in *Shelby County v. Holder*, which struck down section 4 of the Voting Rights Act, invalidating the coverage formula that determines which jurisdictions are subject to the preclearance provisions of the act.

Congress must act to reverse the decision by the Supreme Court which overturned several important precedents. As much as we wish it wasn’t so, racism has not disappeared from America and there continue to be individuals and groups who would use our voting system to deliberately minimize the rights of minority voters. Congress overwhelmingly reauthorized the Voting Rights Act in 2006 after building an extensive record that made a compelling case for the continued need to protect minority voters from discrimination.

I strongly agree with Justice Ginsburg’s dissent that “in truth, the evolution of voting discrimination into more subtle second-generation barriers is powerful evidence that a remedy as effective as preclearance remains vital to protect minority voting rights and prevent backsliding.” I am deeply disappointed that the Court put voting rights in jeopardy by ignoring reality and disregarding the power of Congress to enforce the 15th Amendment of the Constitution by appropriate legislation.

I am a proud co-sponsor of Senator LEAHY’s legislation, S. 1659, the Voting Rights Advancement Act of 2015. The Voting Rights Advancement Act of 2015 responds to current conditions in voting today by restoring the full protections of the original, bipartisan Voting Rights Act of 1965, which was last reauthorized on a bipartisan vote by Congress in 2006, but significantly weakened by the Supreme Court in 2013.

Following the *Shelby County* decision 2 years ago, several States passed sweeping voter suppression laws that disproportionately prevent minorities, the elderly, and the youth from voting. The Leahy bill provides the tools to address these discriminatory practices and seeks to protect all Americans’ right to vote.

The Leahy bill establishes a targeted process for reviewing voting changes in jurisdictions nationwide, focused on measures that have historically been

used to discriminate against voters. The process for reviewing changes in voting is limited to a set of measures, such as voter IDs, that have historically been found to have the greatest discriminatory impact.

Congress should also take up and pass the Democracy Restoration Act, DRA, S. 772, which I have introduced. The Democracy Restoration Act would restore voting rights in Federal elections to approximately 5.8 million citizens who have been released from prison and are back living in their communities.

Notwithstanding the 15th Amendment, many States passed laws during the Jim Crow period after the Civil War to make it more difficult for newly-freed slaves to vote in elections. Such laws included poll taxes, literacy tests, and disenfranchisement measures.

Some disenfranchisement measures applied to misdemeanor convictions and in practice could result in lifetime disenfranchisement, even for individuals that successfully reintegrated into their communities as law-abiding citizens.

The Voting Rights Act of 1965 did sweep away numerous State laws and procedures that had denied African Americans and other minorities their constitutional right to vote. For example, the act outlawed the use of literacy or history tests that voters had to pass before registering to vote or casting their ballot.

The act specifically prohibits States from imposing any “voting qualification or prerequisite to voting, or standard, practice, or procedure . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.”

In 2015, I am concerned that there are still several areas where the legacy of Jim Crow laws and State disenfranchisement statutes lead to unfairness in Federal elections.

First, State laws governing the restoration of voting rights vary widely throughout the country, such that persons in some States can easily regain their voting rights, while in other States persons effectively lose their right to vote permanently.

Second, these State disenfranchisement laws have a disproportionate impact on racial and ethnic minorities.

Third, this patchwork of State laws results in the lack of a uniform standard for eligibility to vote in Federal elections, and leads to an unfair disparity and unequal participation in Federal elections based solely on residence.

Finally, studies indicate that former prisoners who have voting rights restored are less likely to reoffend, and disenfranchisement hinders their rehabilitation and reintegration into their community.

The legislation would restore voting rights to prisoners after their release from incarceration. It requires that prisons receiving Federal funds notify