



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, NOVEMBER 17, 2015

No. 169

Senate

The Senate met at 10 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.

Eternal God, who formed the mountains and hills, give our Senators strength for this season of challenge. Provide them such wisdom, courage, and integrity that they will cause justice to roll down like waters. Above the noise and din of human voices, may they hear the whisper of Your guidance. Inspire them to do what is right as You reveal the right to them.

Thank You that Your love and mercy are from everlasting to everlasting. And Lord, continue to bless the people of France as they find strength in You.

We pray in Your mighty 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. PERDUE). Under the previous order, the leadership time is reserved.

MOMENT OF SILENCE FOR THE VICTIMS OF THE PARIS ATTACKS

The PRESIDING OFFICER. Under the previous order, the Senate will now observe a moment of silence for the victims of the Paris attacks.

(Moment of silence.)

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

ENERGY REGULATIONS

Mr. McCONNELL. Mr. President, the Obama administration is trying to impose deeply regressive energy regulations that would eliminate good-paying jobs, punish the poor, and make it even harder for Kentuckians to put food on the table. Their effect on the global carbon levels? Essentially a rounding error. Their effect on poor and middle-class families? Potentially devastating. Yet the deep-pocketed leftwingers who increasingly call the shots in the Obama White House don't seem to care. Just like with their decision on Keystone last month, the Obama administration is putting facts and compassion to the side in order to advance their ideological agenda.

Higher energy bills and lost jobs may be a mere trifle to some on the left, but it is a different story for millions of middle-class Americans in Kentucky and across the country. Senators from both parties are saying that we should be standing up for the middle class instead. That is why we have joined together to work toward overturning these two-pronged regulations.

I am happy to report that the bipartisan measures we filed last month to overturn these regressive regulations have now been made available for consideration by the full Senate. The first measure pertains to regulations on existing energy sources, while the second pertains to regulations on new sources. Together they represent a comprehensive solution.

Senator CAPITO has been a leader in this effort, and I thank her for her hard work. That hard work will continue as the Senate and House both take up the measures and pass them. That is the right thing to do for middle-class Kentuckians and middle-class Americans

who have suffered enough under this administration already.

BURMA

Mr. McCONNELL. Mr. President, on several occasions this year I have come to the floor and noted that this year's Burmese election would represent a crucial test for the country's path to political reform. The lead-up to this November's election was marked by a number of discouraging developments: the disenfranchisement of the Rohingya population and the defeat of commonsense constitutional reform proposals back in the summer. Yet, despite these setbacks, I am pleased to note that last week's election in Burma seems to have been a success.

I would like to take this opportunity to congratulate my friend Daw Aung San Suu Kyi and her National League for Democracy party for their overwhelming victory. It was a truly remarkable achievement. At the same time, I would also like to commend Burmese President Thein Sein for his gracious remarks following the NLD victory and for his commitment to abide by the results of the election. The same should be said of Burma's commander in chief. He also appears to have accepted the results of the election and has pledged to support the NLD during the transition.

In many ways, the key test for a young democracy is not the first election but the first election in which there is a transfer of power from the ruling power to the opposition. The transfer of authority in Burma will therefore be pivotal. Accordingly, I would urge both the President and the commander in chief to continue on the positive course they have charted since the election and to meet with Daw Suu in the coming days to map out an appropriate transition plan.

The NLD now has a mandate to govern and has sufficient strength in Parliament to choose a President and one

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



Printed on recycled paper.

S7973

of the two Vice Presidents, although Daw Suu herself is prohibited from these positions. The prohibition itself reflects one of the many challenges that lie ahead. Others include addressing the problem of the military's quota of seats in the Parliament, promoting reconciliation among ethnic groups, and healing the divide among those of differing religious faiths.

For now, it is worth acknowledging the good news last week in Burma. The road to bring the bilateral relationship to where it stands today has been a long one indeed. The transition of power has the potential to be a watershed in Burma history. It provides an opportunity to reinvigorate the reform effort in that country.

HONORING SENATOR BARBARA MIKULSKI

Mr. McCONNELL. Mr. President, President Obama recently announced the list of individuals he plans to honor with a Presidential Medal of Freedom. One of them is our colleague from Maryland. I know she was honored by it. I know that someone she mentioned on the floor yesterday—her great-grandmother—would feel a similar sense of honor too. This is a woman who played an important role in our colleague's life, one the Senator speaks of often. She emigrated from Poland when she was 16 years old with little more than a few pennies in her pocket. She couldn't even vote when she arrived. "She never thought," our colleague said, "that her own great-granddaughter would one day be a United States Senator. But then, it is only in America where my story would have been possible."

That is something all of us can appreciate, and we recognize our colleague from Maryland, the longest serving woman in Congress, for the President's choice to honor her in this way.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CLEAN POWER PLAN

Mr. REID. Mr. President, the Clean Power Plan that has been promulgated by the President will avoid 3,600 premature deaths, 1,700 heart attacks, 90,000 asthma attacks, and 300,000 missed work and school days in just the next 15 years. It will also lower power bills by reducing wasted energy. It is the right thing to do, and the President will protect this because it is the right thing for the health of America.

HONORING SENATOR BARBARA MIKULSKI

Mr. REID. Mr. President, President Obama has announced to our gratifi-

cation that our own Senator BARBARA MIKULSKI will receive the Presidential Medal of Freedom. She is an inspiring figure. She and I came to the Senate together and we will leave the Senate together. She has been a friend, an ally, and one of the most articulate people I have ever served with. She has a way with words that are just BARBARA MIKULSKI's way of speaking. I so admire her for that and all the other things I mentioned.

She has spent decades as a leader in Congress, what will be 30 years in the Senate, and during that period of time she has done social work, which is what she did by profession, and has focused on the poor, the middle class, and the disadvantaged. She has inspired a generation of women and has been a mentor to both sides of the aisle.

We are all happy to see this great woman—and she is a great woman—receive the recognition she so rightly deserves from the President of the United States and a grateful country. We should all congratulate Senator MIKULSKI on receiving this great honor.

EXPRESSING OUR CONDOLENCES TO THE PEOPLE OF FRANCE

Mr. REID. Mr. President, at 11 a.m.—a few minutes from now—a number of us will be down in S-117, which is the Foreign Relations Room. At that time, we will receive Ambassador Gerard Araud, who is the Ambassador from France to the United States. We are going to be there to express our condolences to the people of France by doing what has been done for a long time when these tragedies occur. We will sign a book of condolences. I look forward to doing that, and I hope my colleagues will join in doing that at some time during the day.

NOMINATIONS

Mr. REID. Mr. President, for the first 6 years of Barack Obama's Presidency, Republicans have tried to block nearly every nomination that has come to the Senate.

From a record backlog of judicial nominees to the first-ever filibuster of a Secretary of Defense, Republicans abdicated their constitutional responsibility to provide their advice and consent regarding these nominations. In fact, the Republicans have blocked President Obama's nominees more than all the other Presidential nominees in history combined. Think about that. They have blocked more of this President's nominations than all the preceding Presidents in the history of our country. Seventy-one percent of all cloture motions filed on nominees during the history of the country were for President Obama's nominees. Seventy-three percent of cloture motions on judicial nominees were for Obama nominees. Ninety-seven percent of cloture motions on district court judges were for Obama nominees.

When Republicans assumed power of the Senate in January, some may have expected that their obligation to govern would bring an end to their obstruction, but it didn't. We all know what happened last year. We all know they were holding up all nominations they didn't like—not all of them but all of those they didn't like, and that is most all of them.

Something that has been traditional in this country, the National Labor Relations Board—they refused to allow us to have a vote. They filibustered every one of them, which meant that the National Labor Relations Board, which is so important to working men and women in this country, could not go forward. They didn't even have a quorum. The second highest court—some say the most important court in the land—is the DC Court of Appeals. They refused to allow any votes on nominees. They filibustered every one of them. We have five vacancies.

Well, something had to be done, and it was done. It was done for the right reason, and it was good for the country. Those people have now been confirmed. We have a better country as a result of that.

When the Republicans assumed power, they kept talking about how they wanted to get the Senate back to work. Sadly, we all know that has been an absolute joke. We have had more re-votes than in the history of the country during the time they have been in power here. We have done less than any Senate in the history of the country. So getting the Senate back to work is not very honest.

Sadly, those who were hoping that the Republicans would get serious about governing have been terribly disappointed. Republicans are still doing everything they can to block even the most qualified nominees.

Many of these nominations are vitally important to our national security. I will list the people who have been blocked from having a vote in the Senate—and they have even gone one step further; they are not even holding hearings to allow them to come to the floor. Here are some who we could vote on and we should vote on: The Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for International Security, Under Secretary of the Air Force, Secretary of the Army, Under Secretary of the Army, Under Secretary of Treasury for Terrorism and Financial Crimes. Those positions are unfilled.

Think about the Secretary of Treasury for Terrorism and Financial Crimes. They are not even bringing it to a vote. As the United States continues to fight ISIS and its terrorism, shouldn't we confirm the person in Treasury who is responsible for terrorism and financial crimes?

How about the Secretary of the Army—do you think that is important? Being disappointed doesn't go very far if all my Republican colleagues say is a resounding no. But this is all part of