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Senate

The Senate met at 3 p.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.

Savior of all, make us patient and kind. Help us to not do to others what we wouldn't want done to us.

Lord, fill the hearts of our Senators with Your overflowing love. Enable them to love their neighbors as You have commanded them to do. Plant within our lawmakers a sure confidence in Your prevailing providence. Renew and refresh them for the challenges of this day. Keep them congenial with their colleagues, ever eager to explore common ground.

We pray in Your great 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.

RECOGNITION OF THE MAJORITY LEADER

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

FAA REAUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, the chairman of the Commerce Committee, Senator THUNE, says that keeping Americans safe from future attacks is a top priority. He is right, of course. From Brussels to Egypt, events around the world underscore the need for stronger security measures for our Nation's air traffic.

That is why I was glad when large bipartisan majorities voted last week to

advance the FAA Reauthorization Act and then to strengthen it further with the most comprehensive airline security reforms in years.

We appreciate Senator THUNE's work with the Aviation Subcommittee chair, Senator AYOTTE, as well as Senators NELSON and CANTWELL, to move an amendment designed to keep passengers safer and to help deter terrorism in airports on U.S. soil. The amendment will help shore up security measures for international flights coming into the United States as well as improve vetting and inspections of airport employees.

I would also like to recognize Senator HEINRICH for his work to include provisions that will increase security measures in prescreening airport zones and expand preparation for active shooter events.

This FAA reauthorization legislation will do more for security than any other in years. It will do more for passengers than any other in years as well.

Don't take my word for it. A consumer columnist for the Washington Post labeled it "one of the most passenger-friendly Federal Aviation Administration reauthorization bills in a generation." It includes a number of consumer-friendly provisions, like fee disclosures and refunds for lost bags or services paid for but not received, and does so without imposing choice-limiting regulations or fees and taxes on airline passengers.

This is a good bill and a good example of what can get accomplished with a Senate that is back to work. It would help keep Americans safe, both in our airports and in the skies. It has enjoyed support from both sides of the aisle.

If Members have additional ideas they think might strengthen the bill further, I would again encourage them to work with the bill managers so we can continue moving forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, later today the Senate will confirm Waverly Crenshaw to serve as a district judge for the Middle District of Tennessee.

Mr. Crenshaw is a superb nominee with impeccable credentials and a sharp legal mind. He works at a prestigious law firm in Nashville, where he became the first ever African-American partner.

Mr. Crenshaw is well liked by Democrats and well liked by Republicans. His nomination is supported by the Republican Senators from Tennessee, and the Judiciary Committee reported his nomination unanimously.

Waverly Crenshaw's confirmation is desperately needed. The vacancy he will fill in the Middle District of Tennessee is a judicial emergency, meaning there are more cases than the judges in that district can administer.

While I am pleased the Senate will confirm Mr. Crenshaw later today, I wonder why this eminently qualified nominee wasn't confirmed a long time ago. It has been more than a year since President Obama nominated him. The Judiciary Committee reported his nomination unanimously more than 9 months ago.

That a consensus nominee like Waverly Crenshaw had to wait so long to be confirmed is another example—and not a good one—of Senate Republicans' concerted effort to undermine the American judiciary system. The Republican leader and the chairman of the Senate Judiciary Committee are leading an all-out assault on our Nation's courts by depriving them of qualified judges.

Americans know of Republicans' unprecedented obstruction of President Obama's Supreme Court nominee,

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



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Merrick Garland. Republican gridlock is precluding Judge Garland from a hearing and a vote. But that same gridlock is extending to important lower court nominees also.

Republicans' slow-walking and obstruction of circuit and district court nominees is so pronounced that it is actually making history, and I am not sure it is good history.

To date, this Republican-controlled Senate has confirmed only 16 judicial nominations. Today will be the 17th. According to the nonpartisan Congressional Research Service, that is good enough to make this Republican Senate the worst at confirming circuit court and district court judges.

Chairman GRASSLEY is running the least productive Judiciary Committee since World War II, measured in both judges reported out of committee and judges confirmed. Because of the Republicans' sloth, judiciary emergencies have nearly tripled, leaving our courts overworked and Americans without prompt access to their judiciary system. Republicans are refusing to do their job, and the American people are suffering as a result. Republican efforts to cripple our judiciary will reverberate for decades, preventing Americans from obtaining justice.

It is time for the Republican leader and the senior Senator from Iowa to put an end to this obstruction. It is time they discontinue using the Senate Judiciary Committee as a political arm of the Republican leader's office and start doing their job. This should begin by doing their constitutional duty to provide advice and consent on President Obama's Supreme Court nominee.

The Republican leader and Senator GRASSLEY should give Judge Garland a hearing and a vote. They should stop stalling, hoping that Donald Trump or TED CRUZ will nominate Justice Scalia's successor. This should give even Republicans pause.

Then the Republican leader and the Judiciary Committee should move the backlog of qualified judicial nominations who are awaiting confirmation—and there are a lot of them—nominees like Paula Xinis, whom President Obama nominated to serve as a judge for the District Court of Maryland. Ms. Xinis, who is a partner in a renowned Baltimore law firm, has 13 years of experience as a Federal public defender. For 5 years she worked as the director of training for the Office of the Federal Public Defender in all of Maryland.

The Judiciary Committee reported Ms. Xinis 7 months ago. Yet, for more than half a year, Senator GRASSLEY has ignored her nomination.

She is not alone. The Republican leader is delaying other qualified, consensus nominations.

Edward Stanton was nominated to the Western District of Tennessee and is supported by Senator ALEXANDER and, of course, Senator CORKER. The committee reported his nomination in October.

Robert Rossiter was nominated to the District of Nebraska and has the

support of both of his home State Republican Senators. The committee reported his nomination in October.

And there are two nominees to the Western District of Pennsylvania, Susan Paradise Baxter and Marilyn Jean Horan, who were recommended by Senators CASEY and TOOMEY. But even though it was recommended by a Republican Senator, the committee reported the nominations in January but hasn't done anything since.

There are many other nominees whom the Judiciary Committee is ignoring altogether—not even holding hearings.

So why aren't Republican Senators pressing the Republican leader to do his job and schedule votes on these stalled nominations? Why isn't the Judiciary Committee doing their part to get these judges confirmed? Why isn't the chairman of the committee doing his part?

This is the same Senator GRASSLEY who in 2008 said this:

We should get our job done and confirm these nominees because that is what it takes for the judicial branch to get their work done. The judiciary needs to have the personnel to get their job done.

So let's do what Senator GRASSLEY said a few years ago. Let's get the job done.

From the Supreme Court down to the district courts, let's get the job done for our Nation's judiciary.

AFFORDABLE CARE ACT

Mr. REID. Mr. President, last Thursday a Gallup and Healthways survey revealed more good news about the ever-shrinking rate of uninsured Americans.

Because of the Affordable Care Act, 91 percent of American adults now have health insurance. ObamaCare has been especially helpful to working Americans. For adults making less than \$36,000, the uninsured rate has been cut by one-third. Ninety-two percent of Americans making between \$36,000 and \$90,000 a year now have health insurance.

Every day more and more people who were previously without health insurance are now covered. That is especially true across racial and ethnic lines, where the uninsured rate is plummeting. According to this survey, "across key subgroups, blacks and Hispanics have experienced the largest declines in their uninsured rates since the fourth quarter of 2013."

The numbers really bear that out. The uninsured rate for African-Americans has dropped by more than 50 percent, and the uninsured rate for Hispanics has dropped by more than 25 percent. These are the facts. All across the Nation, our constituents are getting the health care coverage they were promised when Congress passed the Affordable Care Act.

So I think it is time for our Republican colleagues to stop denying the evidence. The evidence is that

ObamaCare is working for the American people.

Mr. President, I see no one on the floor. I ask the Chair to announce the business for the remainder of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAA REAUTHORIZATION BILL

Mr. MARKEY. Mr. President, I rise today to discuss a number of my amendments to the FAA reauthorization bill.

I filed Markey amendment No. 3467 to protect consumers from ridiculously high airline fees. In recent years, fees have gone up despite the fact that gas prices and airline choices have gone down. Regrettably, the only thing competitive about the current airline industry is the battle for overhead compartment space. Since 2001, 10 major airlines have become 4, allowing air carriers to charge ridiculous fees and act in uncompetitive ways. The four major airlines now control 80 percent of the seat capacity in the United States. At some major airports, passengers only have one or two airlines to choose from.

Airline fees have climbed as high as the planes on which passengers are traveling. We must stop their rapid ascent to protect the everyday airline passenger. According to an excellent report released by Ranking Member NELSON last year, three airlines increased checked baggage fees by 67 percent between 2009 and 2014 and four airlines increased domestic cancellation fees by 33 percent. One increased its fee by 50 percent, and one increased its fee by 66 percent. Airlines should not be allowed to overcharge captive passengers just because they need to change their flight or check a couple of bags. It is just not fair. There is no justification for charging consumers a \$200 fee to resell a \$150 ticket that was cancelled well in advance when the airline can then resell that ticket for a higher fare to a different traveler. Further, airlines such as Delta, United, and American charge as much as \$25 for the first