



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, MONDAY, APRIL 18, 2016

No. 59

## Senate

The Senate met at 3 p.m. and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

### PRAYER

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

Let us pray.

Eternal God, we praise You for the privilege of prayer. We confess that we often neglect this opportunity to find power in Your presence. Guide our lawmakers with Your wisdom, liberating them from doubts and uncertainties, as they remember that their times are in Your hands. May they seek directions from You as they strive to honor Your Name. Lord, undergird them with Your enabling might and help them to remember that without You their striving would be losing. Give them a steady faith, a firm hope, and a fervent charity so that they will stay within the circle of Your will.

We pray in Your mighty 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, April 18, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### FAA REAUTHORIZATION BILL

Mr. McCONNELL. Mr. President, Americans continue to see the difference a Republican-led Senate can make on behalf of our country. We have passed legislation to combat the prescription opioid and heroin epidemic, to provide a long-term highway funding solution, and to advance many other important issues.

Today I am hopeful we will be able to add to that record of achievement with the FAA reauthorization and airport security bill, which aims to keep Americans safe in our airports and in the skies. Recent terror attacks across the world emphasize the importance of ensuring our airports are secure, and I am pleased the bill includes a number of provisions that will help to do so. From increasing security in prescreening areas to securing international flights arriving in the United States, to ramping up measures aimed at deterring cyber security attacks, this legislation contains the most comprehensive aviation security reforms in years.

It also includes a number of passenger-friendly provisions such as refunds for lost or delayed bags and efforts to improve travel for those with disabilities. The bill accomplishes all this without raising fees or taxes on passengers and without imposing

heavy-handed regulations that threaten consumer choice.

The FAA reauthorization bill is the product of hard work and deliberation from Members on both sides of the aisle. It wouldn't have been possible without the leadership of Senator THUNE, our Commerce Committee chair, and Senator AYOTTE, the Aviation Subcommittee chair. They worked to consider amendments from both Republicans and Democrats that Members thought would make this good bill an even better one. I also thank their ranking member counterparts, Senator NELSON and Senator CANTWELL, for their efforts to advance this legislation.

Let's continue that bipartisan progress today and move the FAA reauthorization and airport security bill across the finish line. It is a win for passengers. It is a win for national security. It is another example of commonsense legislating under Republican leadership that is getting the Senate back to work.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

### THE REPUBLICAN SENATE

Mr. REID. Mr. President, I really have to smile when I hear the Republican leader with his "Senate is Back to Work" speeches. The Senate Republicans are like the guy who shows up only half the time for work and then asks for a raise. They go through the motions, but they fail to do their job.

They failed to fund opioid legislation. They failed to do anything about the water in Flint, MI. They failed to fix what everyone agrees was an error on the renewable tax credits. They have failed to address the Zika virus and on and on.

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



Printed on recycled paper.

S2109

Republicans used to complain all the time about meeting deadlines for doing the budget resolution, but this year they just aren't doing one. Even district court nominations supported by Republicans seem too hard for this group to accomplish. It appears the Senate will fail even to have a hearing on the President's Supreme Court nomination. It seems that Senate Republicans still need to learn how to do their job.

#### MERRICK GARLAND NOMINATION

Mr. REID. Mr. President, the Senate Republicans are making history but for all the wrong reasons. The Republicans' obstruction of President Obama's Supreme Court nominee, Merrick Garland, is the first of its kind in Senate history. Never before has the Senate categorically refused to consider a Supreme Court nominee solely because the vacancy occurred during an election year. As each day passes, the Republicans set some new mark for gridlock.

For example, in the post-World War II era, the average time between a Supreme Court nomination and the nominee's first hearing was 29 days. Today is the 33rd day since Merrick Garland's name was put forward by President Obama. Already we are 5 days past the average.

The longest a nominee has been forced to wait for a hearing was 82 days. That was President Eisenhower's nominee, Potter Stewart, who was confirmed at a later time. Republicans vow every day that there will be no hearing. So they are well on their way to eclipsing the 82-day mark.

While that achievement may earn the Republicans a slap on the back from the Koch brothers and Senator MCCONNELL—who, by the way, is the proud "guardian of gridlock," as he says—Americans take no pleasure in this record-setting obstruction. Instead, Americans want Republicans in the Senate to do their job and give Merrick Garland a hearing.

#### IMMIGRATION

Mr. REID. Mr. President, it has been almost 3 years since the Senate passed comprehensive immigration reform. Senate Democrats worked with a handful of Republicans to craft a good, fair, comprehensive immigration reform bill that passed with strong bipartisan support. Then we watched as Speaker Boehner capitulated to the tea party radicals and refused to allow a vote on the floor. It would have passed overwhelmingly.

To his credit, President Obama saw Republicans' inertia on immigration reform and decided to act. He told us in his State of the Union Address that he was tired of waiting around for Republicans to do things, so he had to do it himself, and that is what he has done.

Using his Executive authority under existing law, he worked to fix the sys-

tem to prioritize enforcement resources on those who actually pose a threat to our national security and public safety. On November 20, 2014, President Obama ordered a series of Executive actions that increased border security and ensured greater accountability throughout our immigration system.

One aspect of President Obama's Executive actions was the Deferred Action for Parents of Americans and Lawful Permanent Residents Program. The program provided temporary deportation relief for parents of U.S. citizens and lawful permanent residents, if they meet three basic requirements. No. 1, they have to be in the country for at least 5 years; No. 2, they must register with the government; and No. 3, they must pass a criminal background check. Today, there are over 5 million children—all U.S. citizens—who are eligible for this program.

President Obama also expanded the Deferred Action for Childhood Arrival Program, helping to protect DREAMers, the undocumented children who were brought to the United States at a very young age. To date, over 700,000 DREAMers have been protected—12,000 in Nevada alone. Not only were these Executive actions the right thing to do, they were also smart investments. Nevada will benefit from about a \$3.5 million-a-year increase in State and local tax revenues. Nevadans will see an increase in earnings of more than \$1 billion over 10 years. Together these programs will help grow America by \$230 billion over the next 10 years, but now this progress is being threatened.

Shortly after President Obama's announcement, a politically motivated lawsuit was filed by the Texas attorney general and joined by Republican Governors and attorneys—not all of them but a lot of them. The Texas attorney general won a preliminary injunction temporarily blocking both programs. This came from a single judge.

The U.S. Supreme Court agreed to consider the case and today it heard oral arguments. They were good. I thought it was an extremely sound, deliberate argument. I think the Justices—most of them—had questions that went to the heart of what the issues are, standing and other things. A decision to overturn the President's actions would put many families with U.S. citizen children at risk of deportation and prevent the Department of Homeland Security from doing its job of focusing on criminals and other threats to national security and public safety.

In Nevada alone, President Obama's Executive actions stand to help 50,000 people. Those are 50,000 Nevadans who should not be separated from their families.

The U.S. Supreme Court must do the right thing and recognize President Obama's authority. That is why I joined 38 other Senate Democrats and 186 House Democrats in filing an amicus brief with the Supreme Court,

making clear that Congress granted the Department of Homeland Security broad discretion in enforcing our country's immigration laws. What the President did was both lawful and it was necessary. He helped target limited enforcement resources. It is also what every other President since Eisenhower has done, including Ronald Reagan and George H.W. Bush. Instead of litigating the President's lawful actions, Republicans should work to fix the immigration system in Congress. By working with Democrats to pass immigration reform, they would render the President's Executive actions unnecessary.

I hope the Supreme Court decides in the administration's favor. I think they will, even though the Court is short a member. I hope these Executive orders are implemented to bring hard-working families out of the shadows, but our Nation would be far better off with a permanent solution. Our Nation would be far better off with a bipartisan, comprehensive overhaul of our Nation's immigration laws.

My friend the assistant minority leader has been at the forefront of these immigration issues. The DREAM Act is something he put forward 15 years ago. I admire the work he has done on this. I think he has kept this issue alive, when a lot of Republicans wanted it to go away. He has been helpful to the people of Nevada—people who don't know his name and will never ever see him, but we have 12,000 DREAMers whose lives have been changed forever, and we hope the same will happen to their parents.

Mr. President, would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Pending:

McConnell (for Thune/Nelson) amendment No. 3679, in the nature of a substitute.

Thune amendment No. 3680 (to amendment No. 3679), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The minority whip.

#### IMMIGRATION

Mr. DURBIN. Mr. President, let me first thank the minority leader, Senator REID, for his kind words about the DREAM Act, which I introduced 15 years ago.