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Senate

The Senate met at 9:30 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, Your works are great and marvelous. We praise You for the gift of this day and rededicate ourselves to serve our Nation in a way that honors You.

Lord, we confess that too often we bring You the leftovers of our time, talents, and trust, but empower us to offer You nothing less than our best.

Bless our Senators. Give them the compassion, courage, and wisdom that our times demand. Use them to touch our Nation and world in a way that will enable Your will to be done. Dwell in us all and make us productive for the betterment of humanity.

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. PAUL). The majority leader is recognized.

FAA REAUTHORIZATION BILL

Mr. McCONNELL. Mr. President, under a new majority the Senate is getting back to work, and progress is being made on behalf of the American people. We saw another example of that yesterday when we passed the most pro-passenger, pro-security FAA reauthorization in years.

It is the product of dedicated work from Senator THUNE, Senator AYOTTE, and their ranking member counterparts, Senators NELSON and CANTWELL. These Senators ensured that Republicans and Democrats both had a say on this bill, and we ultimately arrived at balanced legislation that passed by a very strong bipartisan majority.

It takes important strides to bolster national security against the threat of terrorism, it contains provisions to help frustrated passengers, and it won't levy a nickel in new taxes or fees on passengers or impose the kind of over-regulation that can take away their choice or threaten service.

As the Washington Post reminded us, this is "the second major transportation bill approved by the Senate within five months."

So whether it is providing long-term solutions for highway funding, permanent tax relief for families and small businesses, or commonsense reforms for airline passengers and airport security, this much is clear: The Republican-led Senate is working to address issues that affect our constituents on a daily basis.

ENERGY POLICY MODERNIZATION BILL

Mr. McCONNELL. Now, Mr. President, passing the FAA reauthorization bill isn't the only legislative milestone we will mark this week. Today we will pass, as the New York Times put it, "the first major energy bill to come to the Senate floor since the Bush administration," the passage of which, as the paper has also noted, would represent a significant step forward for the Nation's energy policy.

It has been nearly a decade since the Senate last debated major energy legislation and much has changed in that time. That is why Senator MURKOWSKI, the Energy Committee chair, and Senator CANTWELL, the ranking member, worked for the past year to move broad

bipartisan energy legislation, the Energy Policy Modernization Act.

Like the FAA reauthorization bill I mentioned earlier, this bill won't raise taxes on American families, but it can help them by making energy more affordable and more abundant, by building on technological advances and bolstering national security, and by growing the economy and furthering innovation. In short, the bill before us takes a comprehensive approach to bring America's energy policies in line with the kind of challenges and opportunities we now face.

The bill managers worked ceaselessly to see this bill through to final passage. Now, following the passage of the most pro-passenger, pro-security FAA reauthorization in years, the Republican-led Senate will today pass the first major Energy bill in nearly a decade. It is broad, it is bipartisan, and it is just the kind of legislation we are seeing a lot of in a Republican-led Senate that continues to show what is possible with good ideas and good old hard work.

THE APPROPRIATIONS PROCESS

Mr. McCONNELL. Finally, Mr. President, on the topic of hard work. The reason the Republican-led Senate has been able to pass so much good legislation over the past year is because we resolved to put this Chamber back to work.

That started with the committees. We have seen what is possible in the Commerce Committee; just look at the FAA bill. We have seen what is possible in the Energy Committee; just look at the Energy bill. But we are also seeing what is possible in many other committees, such as Appropriations.

Last year, the committee passed all 12 of the bills that fund the government. Passing all of those bills through committee used to be fairly routine, yet it hadn't happened in years by the time the new majority took over. We

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



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changed that last year. We resolved to do even more this year.

The committee has again gotten the appropriations process off to a strong start, and we would now like to pass as many of the funding bills as possible on the Senate floor. Getting this done will require cooperation from across the aisle.

Our Democratic friends recently wrote a letter pledging cooperation in the appropriations process. "This is a win-win opportunity," they said, and "we should seize it together."

With the appropriate cooperation, we will, and we are.

The Appropriations Committee has already conducted more than 40 hearings since January. Tomorrow they will mark up two more funding bills, which follows their action last week to pass two others on a bipartisan and unanimous basis.

We are about to consider one of those funding bills out here on the floor. The Energy and Water appropriations bill is thoughtful, bipartisan legislation that will ensure a fiscally responsible approach to a variety of issues—things such as national security, energy innovation, waterways, and economic development.

I look forward to talking more about it tomorrow, and I would like to thank Senator ALEXANDER and Senator FEINSTEIN for their many hours of hard work on that bill. I would also like to recognize Chairman COCHRAN for everything he has done with Ranking Member MIKULSKI to get the appropriations process moving forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ENERGY AND FAA BILLS

Mr. REID. Mr. President, I am happy to be here and have the Republican leader talk about the things he has been able to accomplish, but I would note—just to make sure the record is clear—the reason these things are happening is because we have a minority that is willing to work with the majority.

The record should also be corrected to the effect that we have had over the last 7½ years lots of debates on energy—lots of them. The problem is that they have gone no place because of the obstruction of my Republican colleagues, with filibuster after filibuster on the bill that we are going to soon dispose of.

I am glad. It is a really important piece of legislation. It was worked on for 5 years, led by Senator SHAHEEN, but it is really difficult to determine how many different times it was stopped because of obstruction—seven or eight times, that I can come up with. So we are glad to be able to get it done. Why? Because we wanted to get it done for years, and finally we are able to get it done.

So we want to be here and work with the Republican leader and friends on the other side of the aisle to get things done. That is why we have been no obstacle to the FAA bill. It is too bad it is such a narrow version of what we wanted to do, but the Republican leader said we will finish the things that we wanted to do to deal with section 48(c) before the end of the year.

APPROPRIATIONS BILLS

Mr. REID. Also, Mr. President, as to the appropriations bills, I was a longtime member of the Appropriations Committee, and I am glad we are moving forward on the appropriations bills. Why didn't we do it before? Because we had objections from the Republicans, and we couldn't. But we are going to be as cooperative as we can and see if we can move some of these appropriations bills. I am happy to have the Republican leader talk about the accomplishments, but make sure there is a side note or a footnote that says this has been accomplished because of our cooperation.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, my friend also talked about the accomplishments of the various committees. My caucus knows how much I believe in the committee system. I think it is very important that committees work well. We know one committee that is not working well, led by the senior Senator from Iowa.

The senior Senator from Iowa claims that he feels no pressure over blocking President Obama's Supreme Court nominee, Merrick Garland. If that is really true, Senator GRASSLEY must not read the papers from Iowa. To date, there have been two dozen Iowa editorials condemning Senator GRASSLEY's refusal to consider President Obama's Supreme Court nominee, and there are many more letters to the editor. This is only Iowa. Around the country there have been scores and scores of editorials talking about how wrong it is that the Judiciary Committee is taking a vacation.

In Iowa there was a column published in the Des Moines Register over the weekend that was especially discerning. It was authored by veteran Iowa political journalist Kathie Obradovich. This is what she wrote:

Senator Grassley keeps offering new reasons for refusing to give Judge Merrick Garland a hearing and a vote on his appointment to the U.S. Supreme Court. He may as well keep trying, as the explanations he's given so far for waiting until after the next presidential election are mostly nonsense.

I am only going to mention a few of the excuses that the senior Senator from Iowa has invented in an effort to avoid his job.

Senator GRASSLEY won't consider Merrick Garland because he says he wants the American people to have a

voice. The Senator either is ignoring or forgetting or doesn't know that the American people and fellow Iowans used their voice twice when they elected and re-elected—both times overwhelmingly—President Obama. They gave President Obama the right to nominate individuals to the Supreme Court as well as all the other obligations a President has.

Secondly, Senator GRASSLEY won't consider Merrick Garland because he said he wants a Justice who abides by the law. Try that one on. If the senior Senator from Iowa wants a Justice who abides by precedent and sticks to the law, he need look no further than Merrick Garland, who has developed a reputation on the bench for respecting precedent. People who served with him—so-called liberal, conservative, and moderate judges—all agree that Merrick Garland is good. In fact, maybe there is somebody who can't stand him, but we haven't heard a peep from anybody saying what a bad judge he is—not from anyone.

Senator GRASSLEY says he won't consider Merrick Garland for a third reason, because the Supreme Court only needs eight Supreme Court Justices. The Supreme Court needs all nine. Yesterday they deadlocked on another question, and it appears that the chairman of the Judiciary Committee is willing to gridlock our Nation's highest Court just to keep Merrick Garland from being confirmed.

That decision yesterday is a bad decision because what it does is to keep in place a lower court ruling that most all academics and people who follow the law believe is wrong. It allowed the State of California standing to sue another State—basically, the State of Nevada. Under their ruling, we are now going to have a free-for-all in the States suing each other. From the time we have been a country, that didn't take place. There was order in interstate commerce.

Well, the fourth reason Senator GRASSLEY gives is that it is all Chief Justice Roberts' fault. The very person who is blocking the Supreme Court nominee is accusing the Chief Justice of making the Court political.

Finally—there are others, but this is enough for this morning—the senior Senator from Iowa says he is just doing what Chairman Biden said 20 years ago. Well, I would suggest—and I am sure his staff has done this, if he hasn't—to look at what Vice President BIDEN did, not a partial part of a speech that he gave, because if you looked at that, he was exemplary. He brought judges to the Senate floor. He even brought nominees to the floor who had been turned down by the committee because, as he said yesterday and he has said before: I believe we have an obligation for advice and consent that is not completed until it is brought to the floor.

So Senator GRASSLEY should follow JOE BIDEN's example and process more than part of a speech he gave. None of