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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 hears our prayers and listens to our cries for help, thank You for Your mercies that come to us new each day. You save us with Your strength, continually showing us Your unfailing love.

Help our lawmakers today to discern Your voice and do Your will. Lord, give them the ability to differentiate Your guidance from all others, permitting You to lead them to Your desired destination. Speak to them through Your Word, guide them with Your Spirit, and sustain them with Your might.

O God, You are our rock, our fortress, and our Savior. All Your promises prove true.

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.

RECOGNITION OF THE MAJORITY LEADER

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

THE APPROPRIATIONS PROCESS

Mr. MCCONNELL. Mr. President, last week, the Republican-led Senate passed, by an overwhelming majority, the first appropriations bill of the year—the energy security and water

infrastructure funding bill. The Republican-led Senate did so in record early time. We began considering an annual appropriations bill this year at the earliest point in 40 years—40 years—and then we passed an annual appropriations bill this year at the earliest point in 40 years. Passage of this bill also marks the first time the Senate has passed an individual energy and water funding measure since 2009.

This shows what is possible with a little cooperation and regular order. By returning to regular order, we are better able to make better decisions about how taxpayer dollars are spent through the appropriations bills.

Here is what we mean when we talk about returning to regular order. We mean working in committee and allowing Senators from both sides to have their voices heard. We mean bringing bills to the floor and empowering more Members to offer suggestions they think might make a good bill even better. We mean working through hours of debate and deliberation, processing amendments from both sides, and then arriving at a final bill that actually passes.

That is just what we did here, and it resulted in the record early passage of an energy and water appropriations bill that will help support economic development, waterways infrastructure, and energy programs—initiatives that are important in my home State of Kentucky and in States across our country.

So I want to thank Senator ALEXANDER for working diligently with Senator FEINSTEIN to move this bill forward. They collaborated with both Democratic and Republican colleagues to ensure a fair process and an outcome that a majority of Senators could support.

I also want to thank Chairman COCHRAN and Ranking Member MIKULSKI for working within the Committee on Appropriations to move appropriations measures so early this year. We have

already begun considering two more of them this week. The first measure is the transportation and housing infrastructure bill. It will make smart investments in important infrastructure priorities. It will strengthen our surface transportation network and help make air travel safer, more efficient, and more reliable.

I thank Senator COLLINS for her dedicated leadership on this important legislation.

The second measure is the Veterans and Military Construction funding bill. It will increase accountability at the VA and help ensure veterans receive the health care and benefits they rely on. It will advance vital national security projects, such as missile defense, and help ensure military families are supported with housing, schools, and health facilities to serve them.

This is the result of great work by a true champion of veterans—Senator KIRK. Senator KIRK and Senator COLLINS both worked hard to move these bills out of the Committee on Appropriations with unanimous bipartisan support. Now they are working hard to pass them together out here on the floor. They have already lined up several amendments that we will consider later today.

I would like to say a few words about one of these issues in particular. Both Republicans and Democrats agree that preventing the spread of Zika is a bipartisan priority. That is why Members from both parties have been looking at different approaches to properly address the situation. They worked through the best avenue to address the funding that may be needed to do so—the appropriations process—and came up with several different approaches for us to consider later today.

One amendment is from Senators BLUNT and MURRAY. It is a targeted approach that focuses on immediate needs while also providing resources for longer term goals, such as a vaccine. It includes accountability measures and represents a notable departure

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



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from our Democratic colleagues' initial position. It is good to see our Democratic friends compromise.

Another amendment is from Senators CORNYN and JOHNSON. Their enhanced approach builds upon the appropriators' work by responsibly offsetting Zika funding with funds that have been set aside for public health and prevention purposes. It would also remove redtape and help promote mosquito control, which is the best way to keep Americans safe from this virus in the near term while a vaccine is under development. The House is also advancing its own paid-for Zika measure this very week.

So we will take several votes today. We will continue moving forward with the appropriations process, and we will address Zika funding in that context because keeping Americans safe and healthy is a top priority for all of us.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. REID. Mr. President, today is International Day Against Homophobia and Transphobia. This day of recognition is especially significant for America since the civil rights of transgender Americans are at the forefront of an important national debate. At its core, the debate comes down to a simple question: With whom do we stand? Do we stand with the bullies or do we stand against the bullies? Do we stand up for the bullies or against the bullies? Do we defend the persecutors or do we come to the defense of the persecuted?

These are the questions posed to us, and they should be. These are the questions posed to us by what is happening in North Carolina and the law there that undermines the civil rights of transgender Americans.

During a 1-day special session in March, the North Carolina legislature rammed through a controversial law that strikes down local antidiscrimination ordinances. The actions taken by North Carolina's legislature and Governor are nothing short of State-sponsored discrimination against transgender individuals. The law is clearly and completely illegal. It is in direct opposition to Federal civil rights statutes prohibiting discrimination on the basis of sex.

The Federal courts have made it clear that sex discrimination under the Civil Rights Act covers transgender individuals. This goes back to 1989, when the Supreme Court ruled in *Price Waterhouse v. Hopkins* that sex discrimination includes sex stereotyping under title VII of the Civil Rights Act of 1964. Relying on the Supreme Court's ruling in that case, appellate courts have concluded that discrimination

against transgender people is prohibited when it is based on gender nonconformity.

That is why last week the Department of Justice sued North Carolina, finding that its law constitutes a pattern or practice of discrimination under the Civil Rights Act, the Education Amendments Act of 1972, and the Violence Against Women Act, which we passed just last year.

This kind of shocking discriminatory lawmaking has no place in the 21st century. It certainly has no place in America. Attorney General Loretta Lynch said last week:

This is not the first time we have seen discriminatory responses to historic moments of progress for our nation. We saw it in the Jim Crow laws that followed the Emancipation Proclamation. We saw it in fierce and widespread resistance to *Brown v. Board of Education*. And we saw it in the proliferation of state bans on same-sex unions intended to stifle any hope that gay and lesbian Americans might one day be afforded the right to marry.

This issue has been far-reaching. It has far-reaching consequences. This is about access to employment, education, and just about everything else in public life. This is about whether we are going to allow our fellow citizens to be bullied, intimidated, and harassed.

The North Carolina law is not only wrong, but it runs counter to the progress we are seeing in States and cities across all of America. Right now, 18 States and approximately 200 cities have laws on the books to protect transgender individuals in being able to use the restroom that matches their gender identity.

Take, for example, what happened in Reno, NV, just last year. Reno, NV, is in Washoe County. It is the second largest school district in Nevada. In February 2015, in response to concerns from parents and students, the Washoe County School District issued policies to help foster a healthy and inclusive environment for transgender students.

The Washoe County School District developed thoughtful and common-sense policies that allow all students in Washoe County to have access to all school programs and activities. It was the first district in Nevada to do so. In the year since those regulations were adopted, schools across the district have reported few, if any, concerns about the new policies.

North Carolina leaders need to learn from Washoe County. They need to learn a thing or two about tolerance, as exhibited by the students and, yes, the adults across Washoe County.

North Carolina is already paying a severe price for its discriminatory law, and more is yet to come. Hundreds of America's biggest and most prestigious corporations and organizations have already come out in firm opposition to the law—companies such as Google, Bank of America, Starbucks, and Pfizer. You have major businesses that don't want to do business there. You have entertainers who won't perform

there, such as Bruce Springsteen. But it is not just that. It is hundreds—hundreds—of other firms that are coming out in opposition to the law because what they are doing is illegal.

But Republican leaders are standing by their bigotry at a tremendous cost to the State, and that is disappointing. I stand with the administration in opposing the North Carolina law. I stand with all Americans against this shameful bullying. Most of all, I stand with the transgender people of North Carolina and our country who are the targets of this State-sponsored discrimination. My heart goes out to them.

This is not how a great nation should operate. We are better than this. So I look forward to the day, and it is coming soon, when this hateful law is struck down.

ZUBIK V. BURWELL

Mr. REID. Mr. President, yesterday, the Supreme Court chose not to rule on the merits of *Zubik v. Burwell*, a case brought by religiously affiliated non-profit employers challenging the accommodation to the Affordable Care Act's contraceptive coverage provision. Instead, the Court remanded the case to lower courts for further proceeding.

The good news is that the order doesn't stop women who rely on the Affordable Care Act for contraceptive coverage from getting the services they need while the legal process plays out. But this remand highlights that the Supreme Court cannot properly do its job until we do ours here in the Senate. We must give Judge Merrick Garland a hearing and a vote so the Supreme Court can become fully functioning again.

There have been numerous cases that have been determined differently because of a 4-to-4 split. A number of them are just tied 4-to-4. A number of them have been remanded back to lower courts without action.

The Supreme Court to do its job needs nine—nine—Justices. So I hope the time is coming quickly when American women will know once and for all that their bosses can't interfere with their health care decisions, and I am confident the courts will ultimately do the right thing and uphold the Affordable Care Act's accommodation to the contraceptive coverage provision. Until that time, though, Senate Democrats will continue to watch this matter very closely and do everything in our power to defend access for women to birth control measures that they feel appropriate.

Mr. President, I think it is such a blight on the Senate that we are not doing anything to fill that ninth spot. It needs to be done, and it needs to be done quickly. Justice is being delayed. Justice is not being served.

I see my friend from Montana is on the floor. I ask the Chair, prior to his being recognized, to tell the Senate what we are going to do today.