



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, TUESDAY, SEPTEMBER 27, 2016

No. 146

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.

Immortal, invisible, God only wise, do not stand far from us, for we need You every hour.

May our lawmakers remember that their success comes from You. Give them the wisdom to seek justice, to love mercy, and to walk humbly with You. Lord, free them from any entanglements that dishonor You. Protect them from dangers, seen and unseen, as they strive to return good for evil. When they feel overwhelmed, remind them that, in everything, You are working for the good of those who love You.

Help us all to strive to glorify You in every action, both large and small.

We pray in Your strong 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.

HEARING ON THE PRESIDENT'S POWER PLAN

Mr. McCONNELL. Mr. President, today the U.S. Court of Appeals for the D.C. Circuit will hear arguments in the case challenging the merits of the President's so-called Clean Power Plan.

My home State of Kentucky is one of more than two dozen States that have signed on to that suit, and I have been proud to lead efforts in support of the Commonwealth on this issue. In fact, I joined Chairman INHOFE, more than 30 other Senators, and more than 170 Representatives in filing an amicus brief to push back on the President's power grab.

I was pleased that the Supreme Court stepped in earlier this year to issue an unprecedented stay of this plan until the Federal courts review it.

In light of the court's hold on the plan, I wrote a letter encouraging the Governors of all 50 States to take advantage of this much-needed reprieve and to adopt a wait-and-see approach before complying with the plan's standards.

As I noted then, the President's plan is yet another example of Executive overreach patterned after this administration's political and ideological agenda, rather than scientific evidence.

This massive regulatory overreach would cause energy bills to skyrocket. It would strike at the most vulnerable. It would ship middle class jobs overseas. It would bring further harm to families like those in Kentucky who have been devastated by this administration's anticom policies. And it would do little to nothing to actually achieve its intended purpose—reducing global emissions.

This plan, which I have long believed may not be upheld in court, could place significant legal and economic burdens on our States. That is why I have encouraged them to take advantage of the court's stay as we await a final ruling.

I look forward to today's hearing, which is an important step in determining whether the President's misguided plan will survive legal scrutiny.

CONTINUING RESOLUTION

Mr. McCONNELL. Mr. President, I wish to bring a little perspective to to-

day's vote on the clean CR-Zika package. Remember, this is a 10-week funding bill. Its contents command broad support. It contains zero controversial riders from either party.

Can it really be that Democratic leaders have embraced dysfunction so thoroughly that they attack a non-controversial 10-week funding bill over—what exactly? Now, remember, the reason we are in this position is that our friends on the other side didn't want to have a regular appropriations process. Does anybody know what the issue is? Do they even know?

The rationale seems to change by the hour. What we do know is it has almost nothing to do with what is actually in the bill. They have agreed to its spending levels, so it isn't that. They have agreed to its compromise Zika package, so it can't be that. They have agreed with us to help veterans and those hurt by floods and the heroin and prescription opioid crisis, too, so it can't be that either.

We also know that the Senate has already voted to pass assistance for families affected by lead poisoning in Flint—in its proper vehicle—the Water Resources Development Act, with Chairman INHOFE pledging to continue to pursue resources for Flint once the bill goes to conference. So Flint can't really be an issue either. And the White House said yesterday that the WRDA bill is an appropriate vehicle for the Flint funding.

It is almost as if a few Democratic leaders decided long ago that bringing our country to the brink would make for good election-year politics, and then they have just made up a rationale as they go along. But that couldn't really be true, could it? Could it be true?

That would mean Democrats have been playing politics with the lives of expectant mothers and babies suffering from Zika after a few months ago demanding immediate action. That would mean Democrats have been playing

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



Printed on recycled paper.

S6091

politics with the lives of those struggling with the heroin and prescription opioid crisis after promising they would help. That would mean Democrats have been playing politics with the lives of flood victims after saying they cared.

I know our Democratic friends wouldn't want the American people to think that.

I hope every one of our Democratic friends will show us today that they are actually serious about supporting veterans and tackling Zika and flood relief and the heroin and prescription opioid crisis, and we all know the way to do that is by supporting the legislation before us that actually does those things.

This 10-week funding bill need not be, as some Democratic leaders seem to wish, some titanic struggle for the ages. It is just a 10-week funding bill. It is hard to believe Democrats would really be willing to hold up this commonsense package and its critical resources to address Zika, the heroin and prescription opioid epidemic, and floods.

The clean CR-Zika package before us is fair. It is a result of literally weeks of bipartisan negotiations. It does the very things Members of both parties and, more importantly, our constituents have been calling for.

We really cannot afford to delay any longer. Passing this clean CR-Zika package should be one of the easiest votes we cast.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 3 p.m. until 4 p.m. today for an all-Senators briefing; further, that the time from 10:45 a.m. until 11:30 a.m. be under the control of the majority, and 4 p.m. until 5 p.m. be under the control of the Democrats.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONTINUING RESOLUTION

Mr. REID. Mr. President, the Republican leader just said: What are the Democrats trying to do, have built-in dysfunction?

During the 8 years I was majority leader, we had to overcome 644 filibusters led by the Republicans—644. A comparable time: Lyndon Johnson, who was the majority leader for 6 years, had to overcome one and, arguably, two filibusters. Two compared to 644, so don't lecture us on building dysfunction. They have invented it in the modern Senate.

This afternoon the Senate will vote on cloture on the CR proposed by the

Republicans. I appreciate the good work done by appropriators, on our side lead by Senator MIKULSKI. They have done good work, and tremendous progress has been made.

The Republican proposal will likely fail to get cloture this afternoon, and for good reason. The Republican legislation misses the mark. It seeks to keep in place the status quo with regard to undisclosed, unaccountable dark money that is flooding our political system.

On the way to work this morning, I learned that the National Rifle Association is placing another \$1 million of TV ads in Nevada. We all know that the National Rifle Association was really good at direct mailing. They raised that money from their members. That is not how it works now. Most of the NRA money comes from the Koch brothers. We are fortunate there are not two Trumps. That is the dark money we are talking about. Those ads will say NRA, but it is not NRA money. The ads will say the Chamber of Commerce, but it is not Chamber of Commerce money. It is all Koch money. It is how it works with the dark money, nondisclosed money. And the provision my friend the Republican leader has to have in this resolution is this: The Securities and Exchange Commission will be powerless to tell corporations that they have to disclose their campaign contributions. They have to disclose everything else at their shareholders meeting, but not that; oh, no, that would be terrible, any type of disclosure. We want to keep all of this money out there dark, secret—no one knows. All of these phony names they advertise are just so unfair.

The Republican bill includes a rider to the government funding bill that prevents shareholders from knowing how their money is being used in political campaigns. Again, the Republican leader is trying to shut the door on disclosure.

The Republican continuing resolution also ignores the 2½-year crisis in Flint, MI. Lead has poisoned all 100,000 people—almost 10,000 children, some of whom are babies. Lead is a killer for children. After a short period of time—a month, a few weeks—a child who ingests lead in any way, whether they are eating paint off the floor but certainly drinking water, will be affected the rest of their lives. They will not be as smart as they could be; they will not be as agile as they could be. It really hurts them. And it is not good for adults. So after 2½ years, don't those people deserve something?

The Republican leader said there is a water resources development bill, and I acknowledge that. I think good work was done to get that passed. I said yesterday, and I will say again today, that I appreciate the work of Senator INHOFE. He has worked with one of the most liberal Members of the Senate, BARBARA BOXER, and he is one of the most conservative, and they did good work and I appreciate it very much.

But would it be asking too much for the Speaker of the House and the Republican leader of the Senate to stand and say: We are going to get that thing done. We are going to pass it; we are going to make sure that the bill that passed overwhelmingly here in the Senate is going to become law. But they ignored that. They ignored the people of Flint.

We are happy to help with the disaster that took place in Louisiana. Since the Republican leader is here, we have been happy to help with all of the problems, the emergencies they have had in Texas. We stepped up to the plate, and we took care of that. We were happy to do that in Louisiana.

This will not be the reason I will not support this legislation, but I think Louisiana deserved more than what is in this bill. The emergency declaration for them is \$2.8 billion, and in this bill there is \$500 million, and they will get most of that. A little bit will go to West Virginia, and some—a little bit, even less—will go to Maryland. It will be distributed on a proportionate basis. But couldn't they help Flint?

Here was the response of the junior Senator from Louisiana: That is someone else's grief. That is what he said: That is someone else's grief. Louisiana wasn't someone else's grief when the hurricanes struck. It was our grief. The junior Senator from Louisiana should understand that he is a U.S. Senator, not a State senator from Louisiana. It is not someone else's grief; it is our grief.

The Republicans are essentially saying that disasters in our States are more important than disasters in your State. It is unfair and it is wrong.

This morning my leadership team sent a letter to the Republican leader. DURBIN, SCHUMER, and MURRAY—they sent a letter to the Republican leader encouraging the Republicans to come back and give us a solution for the people of Flint.

After the vote on the Republican CR this afternoon, I encourage my Republican colleagues to help us have some degree of certainty that the people of Flint will be helped. It is not deficit spending even though it is an emergency. I believe it should be taken care of just like we had taken care of Louisiana. It is paid for. In fact, I commend Senators STABENOW and PETERS for taking money from a program they have in Michigan to pay for this. It is not deficit spending. Why can't we do it? The reasons are apparent, and that is too bad.

This doesn't need to be a manufactured crisis. We know the Republicans know how to close the Senate. They did it for 17 days, and they have done it another time. We don't need to have this manufactured crisis. We want to make sure that Flint has some degree of certainty that after 2½ years they would get some help. We need to work together to keep our government properly funded and the people of Flint protected. Certainly, we should be able to do that.