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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.

O God, who is the strength of our lives, let us live to tell of Your wondrous work. How magnificent are Your acts, O Lord. How deep are all Your thoughts.

Bless our lawmakers. Empower them to endure the challenges of these times. Give them a humility that will make them willing to decrease, so that Your Spirit may increase in their lives. Lord, renew their minds with truth and sharpen their skills in each important area of living. Bless the members of their staffs, who labor so faithfully for freedom's cause.

We pray in Your sovereign 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.

WELCOMING THE PRIME MINISTER OF ISRAEL

Mr. McCONNELL. Mr. President, let me begin by welcoming a true friend to the United States, Israeli Prime Minister Benjamin Netanyahu, who will be visiting the Capitol later today. Over the years our nations have built a

strong and enduring relationship—a relationship grounded in common values like democracy and individual freedom, a relationship guided by a clear-eyed view of the threats that face us.

This relationship has grown closer and more valuable as terrorism has become a constant threat to our homeland—something the Israelis have known, literally, for decades and as Iran has sought to expand its sphere of influence in an effort to remake the Middle East. I value our relationship greatly. I know President Trump does as well.

Now is the time to strengthen and affirm this important partnership as we move on from 8 years of often needless tension, as we turn the page on an administration that chose as one of its last actions in office to abandon our ally Israel, and in so doing to undermine any semblance of a peace process by encouraging the Palestinians to forego direct negotiations.

This afternoon I will reiterate to the Prime Minister my determination, which I know many in Congress share, to work with our new administration and underline America's commitment to achieving peace with the Palestinians through a negotiated settlement in a way that protects Israel's vital national security interests.

Our nations face many common threats. Strengthening this relationship makes each of us safer. I hope colleagues will join me in extending a warm welcome to Prime Minister Netanyahu on his visit to the Capitol later today.

SOCIAL SECURITY ADMINISTRATION RESOLUTION OF DISAPPROVAL

Mr. McCONNELL. Mr. President, the Senate has been acting to provide relief from harmful regulations by utilizing the Congressional Review Act, which provides the legislative tools needed to repeal them.

I am pleased to report that just yesterday the President signed the first of several regulation-relief resolutions we hope to send him. Later this week, he will sign a second resolution—a resolution identical to the one I sponsored in the Senate that can bring relief to thousands of mining families in Kentucky and across the country by overturning the problematic stream buffer regulation.

Today, we will send him another one. In a few minutes we will vote to protect the constitutional rights of Americans with disabilities. The resolution will provide relief from an overly broad and legally deficient regulation that threatens the Second Amendment rights of law-abiding Americans with disabilities.

Specifically, in the waning days of the Obama administration, the Social Security Administration issued a rule that the ACLU and disability groups across the country oppose because it unfairly treats many Americans with disabilities.

Under this rule, the Social Security Administration must report to the National Instant Criminal Background Check System anyone who receives benefits for certain disabilities and whom the Social Security Administration believes needs a representative payee to help manage these benefits. As a result of being included on this list, many disabled Social Security beneficiaries are barred from lawfully purchasing a firearm, even though there has been no adjudication that the beneficiary is "mentally defective," which is the standard under both the Gun Control Act of 1968 and the NICS Improvement Amendments Act of 2007 for being barred from buying a firearm.

Numerous disability rights groups oppose the regulation as unfairly stigmatizing the disabled. They agree with us on the need to stop the regulation. The substantive problem with the regulation is compounded, the groups note, by "the absence of any meaningful due

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



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process protections prior to the Social Security Administration's transmittal of names to the NCIS database."

The National Council on Disability, the nonpartisan independent Federal agency charged with advising the President and Congress on policies that affect people with disabilities, opposes the regulation, too. The Council also urges us to use the Congressional Review Act to repeal this eleventh hour regulation "because of the . . . constitutional right at stake and the very real stigma that this rule legitimizes."

Our colleague from Illinois, the assistant Democratic leader, apparently disagrees with the ACLU, the National Council on Disability, and disability rights groups across the country. He came to the floor yesterday to discuss this issue. Like him, we are all deeply saddened by the senseless loss of life due to gun violence. It is alarming indeed that we have seen it increase in certain communities, like Chicago. But the way to address this problem is not to stigmatize the disabled or to deprive law-abiding Americans of their Second Amendment rights without due process of law.

The Department of Justice states that "firearms violations should be aggressively used in prosecuting violent crime." The DOJ goes on to state that such violations are "generally simple and quick to prove." Under the Obama administration, however, there was a 35-percent decrease in gun prosecutions as compared to the Bush Administration, when measured over a 10-year period. In fact, gun prosecutions decreased in almost every year of the Obama administration. I am hopeful that the new leadership at the Justice Department will reverse this alarming trend.

What is not helpful, of course, is the assistant Democratic leader's implication that the Senate is addressing this regulation as some sort of payback to the National Rifle Association. I would inform my friend that almost two dozen groups oppose this last-minute regulation, including nearly 20 disability rights groups.

Does he think the opposition to this regulation from groups like the American Civil Liberties Union, the National Coalition for Mental Health Recovery, and the American Association of People with Disabilities is based on some sort of payback? The reality is that, like us, they believe this regulation is simply bad policy. It places an unfair stigma on those with disabilities and violates their constitutional rights, which is why a wide array of groups oppose it.

I am glad the Senate will now join the House in protecting the constitutional rights of Americans with disabilities by voting to undo the unfair stigma this regulation imposes on them.

I want to thank my colleague from Iowa, Senator GRASSLEY, who has been a leader in addressing this regulation. He introduced the Senate companion of the bill we will vote on today, with over 30 cosponsors.

CABINET NOMINATIONS

Mr. McCONNELL. Mr. President, our Democratic friends are getting a lot of pressure from the far left to resist just about everything these days—reality, for one.

The responsible route for Democrats would be to have some real talk with the far left about how it is past time to come to grips with the outcome of the last election. Instead, our Democratic friends have allowed themselves to be pushed around by the fringes into a strategy in search of a purpose—a strategy in search of a purpose.

They really can't prevent the President's Cabinet nominees from being confirmed, and yet they have undertaken the most unprecedented obstruction of Cabinet nominees in modern history. They have postponed hearings repeatedly. They have boycotted committee meetings altogether. They have forced unnecessary procedural hurdles to delay as long as possible. It has resulted in this President's having the fewest number of Cabinet Secretaries confirmed on a percentage basis at this point of any incoming President since George Washington—and to what end?

It hasn't changed the results. What it has done is forced the American people to go on for an unprecedented length of time without leadership in some of the government's most important agencies.

We are determined to work through this pointless obstruction. We will take the next step in that process soon with a vote to advance a nominee to bring fiscal and regulatory sanity to our economy after 8 years of stagnation. Representative MULVANEY knows that making government more effective and accountable is conducive to economic growth, and he knows that getting our fiscal house in order goes hand in hand with compassion. As he put it:

Fixing the economy doesn't mean just taking a green eyeshade approach to the budget. Our government isn't just about numbers. A strong, healthy economy allows us to protect our most vulnerable.

That is just the kind of attitude we need in the Office of Management and Budget. It is good to finally see new economic leadership in place atop Treasury and the Small Business Administration. Now we can chart a better direction for this important budgetary agency, as well, and after we do, we will continue working through this unprecedented obstruction to seat the rest of the Cabinet.

I would urge our friends across the aisle to work with us in doing so. Without cooperation, then, under the regular order we are going to end up working here well into the weekend.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CALLING FOR AN INDEPENDENT INVESTIGATION

Mr. SCHUMER. Mr. President, I rise this morning to address the events of General Flynn's resignation as National Security Advisor on Monday night and the need for a full, independent, impartial, and transparent investigation into the facts of the case. It is now readily apparent that General Flynn's resignation is not the end of the story. It is merely the beginning of a much longer story.

The circumstances of General Flynn's contacts with the Russian Ambassador during the transition, the recent reports of potential high-level contact between the Trump campaign and Russian intelligence, including General Flynn, should raise hairs on the necks of everyone in this body and every American of goodwill—Democrat, Republican, conservative, liberal, Independent. This is not a partisan issue. This is an issue about our country and how it is governed. It is also an issue about our security. We are now left with more questions than answers, and it is imperative to find the truth. With every hour that goes by, more and more questions are raised. Every White House press briefing and early morning tweet seemingly introduces new inconsistencies and contradictions that demand a full accounting. Every report that suggests deeper ties between the Trump campaign and the Russian Government needs to be followed up on and verified.

We need to get all the facts.

So in the days and weeks ahead, the Trump administration needs to answer some serious questions. These questions must be asked by an independent and unbiased law enforcement authority. They must be answered truthfully by administration officials. Any attempt to lie or to mislead must be countered with the full force of law.

There needs to be an independent and transparent investigation on two fronts: one in the legislative branch, where we have an obligation to conduct oversight, and one in the executive branch, which has the responsibility of finding and prosecuting potential criminal liability.

Today I wish to address the investigation that must occur in the executive branch.

The new Attorney General, Jeff Sessions, cannot be the person to lead that investigation. In fact, Justice Department regulations specifically prohibit individuals who have political ties to the subjects of an investigation from leading that investigation. It is a clear conflict of interest. I want to read the regulations of the Department of Justice. They are right here, and every American should see them because they are clear as can be.

No Department of Justice employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution or who would be directly affected by the outcome.