



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, FRIDAY, APRIL 28, 2017

No. 73

Senate

The Senate met at 11 a.m. and was called to order by the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia.

PRAYER

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

Let us pray.

Eternal God, thank You for Your great mercies for us, for while we are yet seeking You, You find us. Before we call, You answer, and while we are speaking, You fulfill Your purposes.

Guide our lawmakers on their legislative pilgrimage. Lord, provide them with a spirit of wisdom so that they will be able to discern what is best. May they strive to honor You in their thoughts, words, and actions. Help them to faithfully seek truth and justice for all rather than privilege for a few.

O God, give us all the courage to go forth to live as we have prayed.

We pray in Your strong 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 28, 2017.

To the Senate:

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

appoint the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. CAPITO thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

CONTINUING RESOLUTION AND COAL MINER HEALTHCARE BENEFITS

Mr. MCCONNELL. Madam President, with cooperation from our friends across the aisle, the Senate will pass a short-term continuing resolution before this evening so Members of both parties can continue to work on a longer term solution.

The legislation should pass today, and it will carry us through next week so that a bipartisan final agreement can be reached and so the Members will have time to review the legislation before we take it up.

Importantly, this 1-week extension will ensure that thousands of retired coal miners and their families, including many in my home State of Kentucky and in the home State of the Acting President pro tempore, West Virginia, will not lose their healthcare benefits.

Protecting these miners and their families from losing their healthcare has been a top priority of mine as well as the occupant of the Chair. Last year, I fought for a long-term extension of healthcare benefits, and earlier this year, I introduced my own bill to provide a permanent fix for miners' healthcare. I will continue to fight on their behalf to secure a permanent solution on this issue in the larger funding bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

Mr. LEAHY. I thank the distinguished Acting President pro tempore.

CONTINUING RESOLUTION

Mr. LEAHY. Madam President, as we know, the Senate is considering a stopgap—continuing resolution—to keep the government of the American people open for business. The stopgap, of course, helps us forget the fact that in November we had all the appropriations bills ready to go, but the leadership asked us to hold it off.

Now, I am going to support this 1-week continuing resolution, because I believe we are close to a bipartisan agreement that would avoid the devastating consequences of a government shutdown and save the Congress from once again facing the disruption and humiliation of failing to meet Congress's obligation to fund the basic functions of our government.

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



Printed on recycled paper.

S2633

But we shouldn't be in this situation. We shouldn't have allowed partisan politics to once again turn a looming deadline into a political standoff and what is really a manufactured crisis.

As I have said, our work could have been and should have been completed in November. We were prepared to do that. We were 90 percent to the finish line—98 percent, actually, to the finish line. Republicans and Democrats had worked together. But at the request of then-President-Elect Trump, all work ground to a halt. For 5 months we have faced one partisan obstacle after another from the Trump administration, including a demand to fund a misguided wall on the southern border at the expense of billions of dollars that would have to be paid for—not by Mexico or anybody else. It would be paid for by the American taxpayers. The administration then threatened to hold hostage the basic health insurance of millions of Americans, crippling the Affordable Care Act. This is more than insulting. It is malicious, and it is wrong.

Now the other side of the aisle is holding the budget of the American people hostage, insisting we include dozens of poison pill riders as the price for funding the people's government and to advance their partisan agenda on abortion, Dodd-Frank, Wall Street reforms, and the environment.

The Republicans control both Houses of Congress and the White House. If they want to pass legislation on these divisive issues, then bring the bills to the floor and vote on them, instead of trying to hide them in an appropriations bill. If they really believe in all these poison pill amendments, then vote on them. Bring up legislation. They control the House and the Senate. They can bring it up anytime they want.

Partisan politics should not be tied to must-pass spending bills, because it is never the right time to play politics with the lives of the American people and the government of the wealthiest and most powerful Nation on Earth.

I think it is very obvious why they want to hide them in an appropriations bill. They don't want to vote on it and give great speeches on the wall, on our southern border. They know that they don't have enough Republican votes to pass it.

One party now controls the White House and both Chambers of Congress. It is incumbent upon the Republicans to ensure that the government of the American people stays open and is fully funded. I am afraid that the partisan bluster threatens to derail months of bipartisan negotiations.

As vice chairman of the Senate Committee on Appropriations, I have been involved in those negotiations. Charles Kieffer and Chanda Betourney have worked almost around the clock for weeks representing us on the Appropriations Committee. If the bluster and the posturing would stop, we could wrap this up.

I hope that with one more week, our bipartisan and our bicameral negotiations, consistent with the bipartisan budget agreement and without poison pills, can continue, because this is no way to govern.

To date, negotiations have produced many positive outcomes for the American people. We have increased investments in the National Institutes of Health. We secured full year Pell grants. We made investments in transit.

As to something that should be of concern to every single Senator from every single State, we made funding available to address the opioid crisis. That is not a Democratic or Republican issue. That is a human issue. Every single State in this country is facing an opioid crisis. I am pleased that Republicans and Democrats came together to address it.

Let's not govern by partisan manufactured crises. Let's do what the American people expect us to do and come together to pay the bills of our country. Stop posturing. We are the greatest democracy on Earth, the most powerful and the wealthiest Nation on Earth. Let's start acting that way. Let's start governing as we should. Let's not hide these divisive issues in an appropriations bill. Let's have votes straight up or down. Let people vote and show their constituents, the American people, where they stand. Don't hide behind a must-pass appropriations bill. It is not the way we should govern. It is not the way I want to do it. I am perfectly willing to cast votes on major issues, even if they are controversial.

We have 6-year terms here. We ought to be willing to be the conscience of the Nation. That is what the Senate is supposed to be. In my years here, I have seen times when we have been under both Republican and Democratic leadership. We are not acting as the conscience of the Nation now. We have to go back to that. I really hope we will.

We have good men and women in this body on both sides of the aisle. Let's start showing the conscience of this great Nation. Let's start governing in reality, not by rhetoric. Governing is not a Twitter feed. Governing is debating the issues and coming to a conclusion for the American people.

I see nobody else seeking recognition.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, first, I wish to speak on the appropriations bill. We still have several issues to address. Our Republican friends, mostly in the House—I want to say that my friend the Republican leader is working hard to get a good bill done, and I appreciate that, but Republicans are holding us up on some critical poison pill riders.

We have made good enough progress. The four corners of the negotiations—the Appropriations chairmen and the ranking members in both Chambers and the House and Senate leadership were negotiating until 1:30 a.m. last night. I want to thank all of the staff who worked so hard and stayed up so late to bring us closer to an agreement. They have done heroic work, and I am happy to report that, if we get an agreement, we will see increases in NIH funding, year-round Pell grants, and housing assistance in the underlying omnibus bill.

We are willing to have a voice vote on a short-term extension of the government funding in the hopes that we can wrap this up early next week. As I said last night, there is still a handful of unresolved poison pill riders, fewer than there were yesterday at 6 o'clock because of the work they did overnight, but there are still some out there.

I want to reiterate the Democratic position. We don't want them—zero. We are happy to pass a clean, bipartisan appropriations bill, which is the way this process is supposed to work. On the more controversial issues, we can have a debate in regular order. They shouldn't be stuck in these bills with no debate and no discussion and no votes—no regular order voting.

I am confident that we can get there if both sides realize that these important debates on policy should be left with the regular order process and in full view of the public.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 99, which was received from the House today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 99) making further continuing appropriations for fiscal year 2017, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time.