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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.

Father of love, who lives and reigns in majesty, we honor Your Name.

Today, use our lawmakers to advance Your kingdom of good will on Earth. Deliver them from ungodly pride and ungenerous judgments, as You inspire them to seek Your wisdom and to follow Your precepts. Give them the wisdom to labor to mend broken hearts, to repair shattered dreams, and to leave the world better than they found it. Lord, teach them to cherish the things that endure, remembering always their accountability to You.

Lord, bless also the many members of their staffs who work faithfully behind the scenes to keep America strong.

We pray in Your precious 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. FLAKE). The majority leader is recognized.

75TH ANNIVERSARY OF THE USO

Mr. McCONNELL. Mr. President, when Americans hear “USO,” they often think of Bob Hope. There is no question that he helped to lift the spirits of countless men and women in uni-

form, but the USO impacts military personnel in a number of other important ways, too, which is something it has been doing literally for decades—in fact, 75 years to the day. I think every colleague will join me in commemorating this impressive 75-year history.

Our men and women in uniform sacrifice a great deal to defend us, and so do their families. One of the things the USO excels at is helping them to stay connected—connected to hometowns, connected to loved ones, connected to the simpler joys in life. From providing deployed soldiers, sailors, airmen, and marines with an opportunity to phone home, to providing world-class entertainment, to helping servicemembers find meaningful employment once their service is complete, the USO’s mission is broad in scope and has made a lasting and positive impact on many since it was first conceived just before World War II. Much of that credit is due to Americans’ willingness to volunteer.

Our military personnel—especially our forward deployed and combat arms units—willingly trade the comforts of home for harsh living conditions. They often forgo life’s precious moments, such as celebrating a child’s birthday or a first day at school, and they are willing to put everything on the line for us. The USO provides one more platform to say “thank you” for that service, to show gratitude for that sacrifice, to let every man and woman in uniform know what they mean to us.

Congratulations to the USO for 75 years of service to our troops and their families. We hope you will continue your important work for many years to come.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the Murkowski amendment No. 2953 occur at 11:30 a.m. today

and that the cloture vote with respect to S. 2012 follow that vote in the usual form and that the additional time be equally divided.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

75TH ANNIVERSARY OF THE USO AND COMMENDING WAYNE NEWTON

Mr. REID. Mr. President, I want to join my Republican colleague, the distinguished Senator from Kentucky, and underscore everything he said about the USO. As just a point of personal privilege, one of the successors of Bob Hope is Wayne Newton. President Bush selected him to lead the USO, which he did for many years.

There has never been a more successful nightclub entertainer than Wayne Newton. He is known all over the world for his voice and his performances. He traveled the world during the time he was that person chosen by the President to represent the USO. He is one of the most patriotic persons I have ever known, and I admire him very much. I want to ensure that the record reflects his friendship to me and all the veterans in America.

Certainly, I appreciate very much joining in this celebration of the USO.

FLINT, MICHIGAN, WATER CRISIS

Mr. REID. Mr. President, 100,000 people in Flint, MI, have been poisoned, but sadly the Republicans are doing nothing. Nine thousand children, all under the age of 6, have been poisoned. Their brains have been attacked. Still, Republicans have refused to do anything to help.

For the last 2 weeks, the Senators from Michigan have worked on an

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



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amendment that would allow Federal funds to address the Flint water crisis. Senators STABENOW and PETERS worked hard to negotiate with Republicans. But almost having an agreement in place is not an agreement. We need Republicans to work with us to reach an agreement and let the people of Flint know that help is on its way; otherwise, Senate Republicans will continue ignoring Flint. If that is the case, then I would like my Republican colleagues to come to the floor and explain to this country why this man-made disaster in Flint is not worthy of the Republicans' attention. Tell us why 100,000 Americans should be forced to drink polluted water and bathe in poisonous water.

One mother told Senator STABENOW: I was doing everything I could for my children. I made sure that they stopped drinking soda pop. So they didn't have soda pop. They drank water. But it was horrible water, and it has affected my children's lives. She said: I am responsible for the poisoning of my children.

I heard statements made by the assistant Republican leader earlier this week, and here is a direct quote: "While we all have sympathy for what's happened in Flint, this is primarily a local and State responsibility."

I don't know if "outrageous" is sufficient to describe this. After all, it was the assistant Republican leader who just last year welcomed Federal disaster assistance for the people of Texas because of the terrible flooding that was taking place. Again in 2013, the town of West, which is in Texas, suffered a catastrophic explosion of a fertilizer plant—another manmade disaster. The Senator from Texas was quick to seek Federal assistance. He said:

We will aggressively pursue this matter with FEMA and pursue all appeals and remedies available to us. . . . This was a disaster area and their failure to acknowledge it as such is just inexcusable. We're going to get the residents of West the assistance they need.

The junior Senator from Texas—one of the many Republicans running for President—was just as eager to accept Federal funds. He said:

I am confident that the Texas congressional delegation, Senator Cornyn and I . . . will stand united as Texans in support of the Federal Government fulfilling its statutory obligations, and stepping in to respond to this natural disaster.

According to Senator CRUZ, the Federal Government had an obligation to help Texas. He is right. We had an obligation, and we fulfilled that obligation. But we also have an obligation to help Flint, MI.

I ask my colleagues from Texas and the other Republicans here in the Senate, why are floods and explosions in Texas disasters worthy of Federal support and not the help needed for 100,000 poisoned people in Flint, MI? Why do Texans deserve Federal assistance but not the people of Flint? What could the reason be?

The sad thing is that this sort of hypocrisy isn't limited to just the Senators from Texas. The junior Senator from Florida—one of the many running for President on the Republican side—is doing the same thing.

Last year Florida was hit with extreme flooding. Senator RUBIO appealed for Federal assistance. He wrote a letter to the President. He said: "As Floridians continue to reel from the effects of last month's torrential rains and flooding, I respectfully request you consider Governor Scott's appeal for a Major Disaster Declaration for Individual Assistance for the five impacted counties." That is what he wrote to President Obama last year, but, like it always is with the Senator from Florida, that was then and this is now. This is what the junior Senator from Florida says now: "I believe the federal government's role in some of these things [is] largely limited unless it involves a federal jurisdictional issue." That is a buzz word for saying "Good luck, Flint." According to Senator RUBIO, Floridians deserve disaster assistance but not the people of Flint. This Senator hopes to become President; yet he refuses to treat all Americans the same.

There are plenty of other examples. Whenever their States have been hard hit, Republican Senators run here to the Senate floor and demand Federal aid—as well they should. The Federal Government should help in times of disaster. There has to be a bit of consistency from Republicans. They must be fair to everyone. The people of Flint are just like every other American. They are deserving of the Federal Government's help.

Mr. President, I have a letter from the Congressional Black Caucus. I am not going to read the whole letter, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CONGRESSIONAL BLACK CAUCUS,

Washington, DC, February 4, 2016.

Senator MITCH MCCONNELL,
Majority Leader, U.S. Senate, The Capitol,
Washington, DC.

DEAR SENATOR MCCONNELL: The state of emergency in Flint, Michigan requires immediate action from the United States Senate. Our children have been poisoned because of poor decision-making by some and inaction by others who are responsible for protecting the most vulnerable among us. Senate Republicans should not prevent federal emergency assistance to the people of Flint by blocking the common-sense amendments offered by Michigan Senators Debbie Stabenow and Gary Peters to the Energy Policy and Modernization Act. Instead, both parties should come to an agreement on an emergency relief package for the people of Flint.

While there are no flooded streets or people stranded on the roof of their home, poisoned water still runs through the faucets in Flint. There are children with visible scars, and those who will have mental health issues and learning disabilities that we cannot yet see. Bottled water is not a solution. It is a band-aid that will not heal this gaping wound. The City of Flint is in crisis.

Providing emergency assistance to Flint is not a bailout. The Stabenow-Peters amendments would: a) provide emergency funding to help repair Flint's water infrastructure, b) notify the public of concentrations of lead in the water, and c) connect children and adults exposed to lead poisoning with community services and health experts. Moreover, other communities currently dealing with lead water crises in states like Ohio and elsewhere could also benefit from these resources.

Republican senators have routinely requested this type of assistance when disasters occurred in their states. The people of Flint deserve nothing less. Republicans must join Democrats in meeting our moral obligation to protect the health of our children.

Senator McConnell, we are asking for your leadership to ensure your Republican colleagues do not condemn the people of Flint to more pain and suffering by blocking these amendments.

Very truly yours,

G. K. BUTTERFIELD,

Chairman,

The Congressional Black Caucus.

Mr. REID. Here is what is said in the final two paragraphs:

Republican Senators have routinely requested this type of assistance when disasters occurred in their states. The people of Flint deserve nothing less. Republicans must join Democrats in meeting our moral obligation to protect the health of our children.

This is what is said by Congressman BUTTERFIELD, who is the chair of the Congressional Black Caucus.

The final paragraph in the letter says:

Senator McConnell, we are asking for your leadership to ensure your Republican colleagues do not condemn the people of Flint to more pain and suffering by blocking these amendments.

I would hope my Republican colleagues would look in the mirror and ask themselves a simple question: What would I do if 100,000 of my constituents were poisoned?

I urge my Republican colleagues to join us in addressing this critical issue.

In a conference held in Las Vegas, NV, yesterday, one of the foremost experts dealing with water, Pat Mulroy, said that the "stupid stunt" that led to widespread lead contamination in Flint, MI, has dealt a blow to public confidence in water systems everywhere—even in places such as Southern Nevada, where lead pipes are not an issue. "It has given a black eye [to water management] not just in Michigan, not just in the United States, but around the world."

She went on to say:

I was angry. I was very angry. They did it to save money. But was it really worth affecting these children's lives forever to save a couple of bucks?

She also said that complaints about the water began a month after the switch, but officials waited for almost 2 years. By then, tests showed elevated levels of lead, which causes brain damage.

She said:

The finger-pointing is going to be endless for a while, especially as lawsuits begin to emerge. . . . I think there will be criminal charges.

I don't know if there will be criminal charges, but these are pretty egregious actions taken by the State of Michigan.

She said that ready access to clean water is something most Americans take for granted, but something like this can cast doubt on the whole system. "Now there is a crack in that trust relationship," she said. "In Flint it is gone." That is certainly true.

So I would certainly hope my Republican colleagues will understand it is important that we do something now to help these people. We have something that can be done. It should be done. Republicans should stop it. It is not something that is a local issue or a State issue.

RELIGIOUS LIBERTY

Mr. REID. Mr. President, yesterday, President Obama visited a mosque in Baltimore, MD. It was a powerful expression to counter the divisive, hateful rhetoric used by too many Republicans and to emphasize the importance of giving all Americans the respect and dignity they deserve. For years right-wing extremists have attacked the religion of Islam and stoked fear about the presence of Muslims in our country.

Some of those same extremists attacked President Obama for visiting the mosque yesterday. That is an attack on millions of American citizens who are being slandered. I was so gratified that the Presiding Officer had the courage to show solidarity with the Muslims in the State of Arizona and the country by visiting a mosque a short time ago. The Presiding Officer was attacked by rightwing extremists for this visit. I am sorry about that, but I admire what he did.

When hateful extremists set their sights on attacking one religion, they are attacking the core values of American society upon which our Nation was founded. President Obama could not have made this point more clearly yesterday. He said, "An attack on one faith is an attack on all our faiths."

Religious liberty is a priceless American value that should be cherished. We cannot allow the threat from menacing radicals to change who we are and how we treat our fellow citizens. As President Obama also said yesterday, "We are one American family. We will rise and fall together." So I applaud the President for his courage and willingness to combat the detestable hatred that leading Republicans have embraced and far too few Republicans have spoken out against—the hateful rhetoric—especially in the Presidential election by our Republican colleagues.

As defenders of democracy, we must stand against the bigotry wherever it arises. Doing so is the only way to ensure that we stay true to our fundamental values. As election season begins to kick into high gear, I encourage the American people to heed the call that President Obama made yesterday at the Islamic Society of Baltimore,

when he closed by saying, "We have to reaffirm that most fundamental of truths—we are all God's children, all born equal with inherent dignity."

Will the Chair announce the business before the Senate today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ENERGY POLICY MODERNIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2012, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes.

Pending:

Murkowski amendment No. 2953, in the nature of a substitute.

Murkowski (for Cassidy/Markey) amendment No. 2954 (to amendment No. 2953), to provide for certain increases in, and limitations on, the drawdown and sales of the Strategic Petroleum Reserve.

Murkowski amendment No. 2963 (to amendment No. 2953), to modify a provision relating to bulk-power system reliability impact statements.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided between the two managers or their designees.

The assistant Democratic leader.

FLINT, MICHIGAN, WATER CRISIS

Mr. DURBIN. Mr. President, what happened in Flint, MI, is incredible. In the 21st century, in the most developed country on Earth, to think that 100,000 people were exposed to contaminated water, to think that 9,000 or 10,000 children were exposed to lead poisoning—it was not a natural disaster but the results are disastrous. It was a disaster created by those who were in charge of managing the city of Flint.

The governmental agencies and those who worked for them made what they considered to be the right budgetary decisions, but they certainly made the wrong decisions when it came to the health and the well-being of the poor people who were victimized by their wrongdoing. Every time I hear the story, the same question comes to my mind: Who is going to jail for poisoning 9,000 children? Think about the circumstances here. A knowing decision by a city manager to switch to a water supply which was contaminated endangered the health of thousands of children, tens of thousands of citizens. If that is not the grounds for at least investigation, I don't what is.

So the Senators from Michigan, Senator PETERS, Senator STABENOW, have come to the floor of the Senate and said to America: Will you help Flint, MI? It is right that they do so. I have been fortunate to serve in the House

and Senate for many years. I cannot tell you how many times Senators from States all across the Nation have asked that same question: Will you help us in Louisiana? Will you help us in Alabama? Will you help us in Texas?

There is hardly a State that has not come to the floor of the Senate asking for help. Yet, for reasons I cannot explain, the Republican majority in the Senate is resisting this idea. Almost 100,000 people were forced to live without access to clean water in their homes. They could not turn on their faucets in the morning to make breakfast or to take a shower, as all of us do. They started their day by waiting in long lines for bottled water to feed and bathe their kids, to take showers, and to stay healthy. They started rationing the water.

The elderly and disabled who could not make it to a pickup location for bottled water, they were left with the option of continuing to use water they know was poisoning their bodies. This is a disaster by any definition. I cannot understand why there is not more understanding and empathy from my colleagues when it comes to Flint, MI. It could happen anywhere. If it happened, would you hesitate for a moment as a Member of the Senate to ask for help?

Nine thousand children exposed to lead poisoning has been called an earmark by the critics of our Senators from Michigan. They said it is just special interest legislation to try to help these victims. That is hard to imagine, that it could reach that level in criticizing this effort. Just like those who suffered from tornadoes and hurricanes, these families did nothing to deserve it. Just as the Federal Government always helps when Americans are hit by disasters, we should do it in Flint.

There were no complaints last May when the Federal Government declared an emergency and reached out to the residents of Texas to help them rebuild their lives after a tornado hit. So I am wondering if the Republican Presidential candidate from Texas is willing to step up, the junior Senator from Texas, and ask for the same level of Federal assistance for Flint, MI, that he asked for his own State.

This crisis is not the fault of the kids, the pregnant women who still call Flint home. Their only crime was living in a city that was so poorly managed by the Michigan State government. Their only crime, if there was one, was being the victims of cheap, dirty water. These kids and pregnant women are the most vulnerable when it comes to lead contamination. We are not going to know for years the extent of the damage, but we know there will be damage.

Many of them live in homes that have been found to have 10 times the EPA limits for lead in drinking water. The Senator from Michigan, Ms. STABENOW, yesterday told us that some of the lead samples reached the level of toxic dumps, so far beyond the level