



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, MONDAY, JUNE 18, 2012

No. 92

Senate

The Senate met at 3 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal God, in Your faithfulness guide our Senators today. As they trust Your leadership, may they experience Your faithful love. Lord, lead them from the path of disunity, as You teach them Your will. As they experience the constancy of Your presence, guide them to Your higher wisdom and fill their hearts with Your peace. Watch over them with Your gracious protection.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the Senate will continue debate on the farm bill today. At 5 p.m. the Senate will proceed to executive session to consider the nomination of Mary Lewis to be U.S. District Judge for the District of South Carolina. At 5:30 this evening there will be a rollcall vote on confirmation of the Lewis nomination.

MOVING FORWARD

Mr. President, I have spoken to Senator STABENOW several times in the last couple of days. In fact, I spoke to her today—what time did I get back? It is 3 o'clock—at 2 o'clock or thereabouts. She indicated to me they are making progress on the bill. There was one amendment she was concerned about. I worked that out and told her she could go ahead and have that as part of the consent agreement. So I have worked very hard to try to make the lives of Senators STABENOW and ROBERTS easier, and I have worked through some of the problems my people had.

But, Mr. President, the issues on this bill overwhelmingly are on the other side, and I hope we can work something out. They have worked so hard—Senators STABENOW and ROBERTS—and I hope we can find a path forward. It is important. I commend them for their dedication to this measure which cuts subsidies and protects 16 million American jobs.

We have spent so much precious time on this bill—precious time we do not have—and we need to move forward on it. We are going to move forward or off of this bill. I hope we will be able to move forward today with this bill; otherwise, we are going to have to file cloture on the bill because it is the third week of jockeying around on this bill.

THE DREAM ACT

Mr. President, Astrid Silva is an average American 24-year-old from all outward appearances. She is a Las Vegas resident. She is fascinated with Nevada history—whether it is Area 51 or about the time when it is alleged the mob ran the casinos. She is active in her community, school politics, and local politics.

One day Astrid would like to come to Washington, DC, to see, as she said, the Declaration of Independence—see it herself. She recently completed her associate's degree at the College of Southern Nevada, and she dreams of completing her bachelor's degree at UNLV.

But there is one issue standing in her way: Astrid is not an American citizen. Twenty years ago this week this little girl, 3½ years old—a little baby girl—was brought to the United States by her parents. She has no knowledge of Mexico. America is her country. The country where she was born—Mexico—she knows nothing about. She speaks perfect English. She was an honor student in high school, and she has never called anyplace but Nevada her home.

So, of course, I thought of this brave young woman when President Obama announced last Friday he would suspend the deportation of young people

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



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like Astrid who were brought to this country illegally when they were only children.

I had a difficult campaign, as everyone knows. During that campaign, on occasion I would be given a little handwritten note. I would look at it later. One was from Astrid telling me of her dreams—her dreams that she wanted fulfilled, that could not be because she was not a citizen even though this is her country.

She has been looking over her shoulder for many years now—since the time she was old enough to understand—afraid of deportation. She decided she was going to step out of the shadows and be no longer afraid and become an advocate for the DREAM Act. She is truly a DREAMer.

As we know, the DREAM Act would create a pathway to citizenship for outstanding young people who were brought to this country through no fault of their own and want to attend college or serve our Nation in the Armed Services.

The DREAM Act is not amnesty. It rewards responsibility with opportunity.

Astrid's handwritten letters convinced me years ago of the importance of this issue. Unfortunately, Republican opposition has stalled this legislation.

I was stunned listening to the Republican nominee for President say: Why doesn't Congress do this?

Mr. President, we have tried. We cannot get Republican votes. We have tried.

Thanks to President Obama, Astrid and 800,000 other young people just like her who are American in all but paperwork no longer need to live in fear of deportation. President Obama's directive to suspend deportation of the DREAMers comes after a yearlong review. It will be applied on a case-by-case basis. It frees up law enforcement resources to focus on people who actually threaten public safety and national security, and it removes the specter of deportation that has hovered over deserving young men and women.

For a long time the Presiding Officer was the chief attorney, the chief enforcer of the law in the State of Connecticut, and he had to direct his resources where they could best be used. He wanted to focus on people who were threatening public safety and national security.

What good would it do for us as a country to say to people such as Astrid: You cannot go to school. What you can do is go ahead and be part of a gang. Women become gang members too. Some of those violent gang members we have in America today are now women. Are we better off preventing these young men and women from going to school, from going into the military, even though this is the only country they have ever known as home?

Are we better off saying stay in the shadows or are we better off letting

them get an education and serving our country in the military? The answer to that is so easy.

It removes the specter of deportation that has hovered over deserving young men and women. That is what President Obama did. So I congratulate him for this courageous decision—a decision that benefits both the DREAMers and our Nation as a whole.

Like Astrid, these young people share our language, share our culture, share our love for America—the only country they know. They are talented, patriotic men and women who want to defend our Nation in the military, get a college education, work hard, and contribute to their communities and this country.

When they pledge allegiance, it is to the United States of America. Unfortunately, President Obama's directive is temporary. The onus is now on Congress to protect the DREAMers and fix our broken immigration system once and for all.

For all of these people who are saying: Why didn't you do it in Congress, we tried. We invite them here. If they want to make it permanent, it could be done very easily.

Comprehensive immigration reform should be tough, fair, and practical. It should continue efforts to secure our borders, hold unscrupulous employers accountable, and reform our Nation's legal immigration system. It should require 11 million undocumented people to register with the government, pay taxes and fines, work, and learn English. Then they do not go to the front of the line, they go to the back of the line and work their way up.

Some Republicans have suggested a solution to the DREAMers' terrible dilemma should have come from Congress, not the President. I have talked about that today already.

I repeat, it is Republican opposition that has prevented Congress from acting. In fact, Senate Republicans have blocked the DREAM Act twice. Many Republicans who once said they favored a long-term fix for America's broken immigration system are now abandoning efforts to find common ground.

It was interesting to note that on one of the Sunday shows yesterday, the former Governor of Massachusetts refused to answer the question when asked four times by Bob Schieffer: What is your proposal? He would not answer four times. We all know he said if the DREAM Act passed he would veto it. But he is saying: Why don't you work it out in Congress? But he is saying: If you do, I am going to veto it.

Obviously, efforts to find common ground have been abandoned. So the President took decisive action in offering this directive. But he can only do so much by himself. So for Astrid's sake and for the sake of every American, it is time for Congress to become part of the solution.

I hope my Republican colleagues will finally join Democrats to find a bipar-

tisan way to mend this Nation's flawed immigration system instead of just complaining about the system being broken. The pathway is there. We know what needs to be done. We just need a little help from our Republican colleagues.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

Mr. REID. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. 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.

RESPONDING TO THE PRESIDENT

Mr. KYL. Mr. President, I want to respond today to some statements President Obama has been making on the campaign trail regarding debt, spending, and taxes during his administration.

Last week, the President said he should not be blamed for the massive debt and spending in recent years because, in his words, it was all "baked into the cake" when he took office. He also contended that his administration has done the responsible thing in taking steps to fix our Nation's fiscal problems. Here is the totality of what the President said:

I love it when these guys talk about debt and deficits. I inherited a trillion dollar deficit. We signed \$2 trillion of spending cuts into law. Spending under my administration has grown more slowly than under any President in the last 60 years. They baked all this stuff into the cake with the tax cuts and the war.

I would like to respond to each of the President's comments. First, on deficits and debt, President Obama is not the reformer he makes himself out to be. Since he took office, the national debt has climbed by \$5 trillion. It is now larger than the entire economy. If we take his entire 4 years and all of the Presidents before him, he has incurred as much debt as all of the Presidents, from George Washington through George W. Bush, just in his time as President.

Yearly deficits, which is the gap between revenues and spending, have grown substantially as well. Despite a promise to cut the deficit in half by the end of his first term, the President has run annual deficits in excess of \$1 trillion for 4 years in a row. None of this has anything to do with what happened before he became President. So how about after he became President?

According to the President's own budget numbers, in 2009, the first year of his Presidency, the deficit was \$1.4 trillion. In 2010 the deficit was \$1.3 trillion. In 2011 it, again, was \$1.3 trillion.

If the President's policies are followed, the deficit this year is expected to top \$1.3 trillion. Those are all in the years when he was President.

The highest deficit under President Bush, his predecessor, was \$458 billion, and that was in 2008. Every deficit under President Obama has been more than double that figure. But President Obama says he is blameless when it comes to the debt problem? Not hardly. He never even submitted a plan to come close to balancing the budget, even with the massive tax hike he supports.

As Washington Post columnist Dana Milbank wrote last week:

Despite [the President's] claim that "both parties have laid out their policies on the table," President Obama has made no serious proposal to fix the runaway entitlement programs that threaten to swamp the government's finances.

Dana Milbank is not a conservative Republican.

Second, let's take a look at the President's claim that spending during his Presidency has grown more slowly than during any Presidency in the last 60 years. That claim does not pass the smell test.

Keith Hennessey, former Director of the National Economic Council, is one of many observers who has debunked this claim.

First, as Hennessey notes, the President's claim is based on a discredited article that suggests he isn't actually accountable for anything that happened before October 1, 2009. That is the start of the fiscal year. But, of course, he took office almost 9 months before that time.

In other words, that timetable excludes the auto bailouts, the first year of the stimulus bill—which, of course, was President Obama's legislation—the bailouts of Fannie Mae and Freddie Mac, and a lot of other things. As Hennessey writes, this date was "cherry-picked . . . to make President Obama's record look good."

I would ask: Does President Obama also disclaim anything to do with the auto bailouts that occurred during that same period of time? No, last time I heard, he was bragging about that. That is the height of cherry picking. The things that make you look good, you take; the things that make you look bad, you reject. You can't have it both ways.

Second, the President actually proposed spending far higher than was enacted into law. For example, his latest budget request proposed spending of \$3.72 trillion in fiscal year 2013. But the President is taking credit for spending in the CBO baseline which is \$3.58 trillion, which is somewhat less than the \$3.72 trillion he proposed. So the President wanted to spend more but was restrained by the Republicans in the House of Representatives in Congress.

Mr. Hennessey also explains how the President's spending claim collapses once you take three basic errors into account. He writes:

If you instead do this calculation the right way and measure the average annual growth rate from fiscal year 2008 to CBO scoring of the President's budget proposal for fiscal year 2013, you get an average annual growth rate of Federal spending of 4.5 percent. That is a nominal growth rate, so the real growth rate will be in the 2s.

Finally, on spending, it is inaccurate to measure a President's record without looking at the overall size and scope of government. President Obama's preference for big government is obvious to everyone. He usually argues for it. He doesn't argue he is for a smaller or less active government. Well, the historical average of spending to gross domestic product before President Obama took office was roughly 20.6 percent.

So how does President Obama's record stack up? Here is the breakdown of spending to gross domestic product. These are the ratios during the Obama years. Remember now, this is compared to the historical average of 20.6 percent. In 2009, his first year, 25.2 percent; next, 2010, 24.1 percent; in 2011, 24.1 percent again; and an estimate for this year, 2012, is 24.3 percent.

All of these figures are substantially higher than the historical average of spending at 20 percent. So his spending every year he has been in office, including the projected spending this year, will be far greater than the historical average.

And lastly, in the President's budget request for fiscal year 2013, which would be next year, the spending averages 22.5 percent—still above the 20-percent historical figure.

So it is no wonder President Obama doesn't want to run on his real spending record, because it is not one of fiscal constraint.

Third, I want to address the President's claim that the tax relief Congress enacted in 2001 and 2003 somehow played an outsized role in driving up the debt. We have heard him talk about this—if it weren't for the Bush tax cuts, he said we would be closer to having a balanced budget. Not true. The records for this come from the non-partisan referees at the Congressional Budget Office. These are not partisan people—not on one side or the other—and they have shown what we have is a spending problem, not a revenue problem.

In May of 2011, CBO released an analysis showing that nearly 50 percent of the cumulative budget deficit since 2001 is due to increased government spending, 28 percent of it is due to economic and technical corrections, and 11 percent is due to temporary stimulus-like tax provisions. The 2001 and 2003 tax relief to which President Obama refers—which, by the way, is the same tax relief he extended for 2 years about a year and a half ago—accounts for how much? Just 14 percent of the deficit since 2001 and 2003.

So, far from being the cause of the deficit, it only accounts for 14 percent of the deficit. It is inaccurate for the President to place the blame for his

spending records on broad-based progrowth tax relief that has helped to create jobs and economic growth in this country prior to the last downturn—and that he himself supported extending.

Additionally, the recently released "Long-Term Budget Outlook" estimates that tax revenues will exceed the historical average in the next 10 years if this same tax policy—the 2001 and 2003 tax relief—is extended, and if Congress prevents the alternative minimum tax from hitting millions of additional middle-class families. And that is what Republicans have been supporting all along. So we will get back to the historical average of revenues raised.

We all know robust economic growth is the most effective way to reduce our debt and that raising taxes will not achieve that goal. Failure to stop this tax-driven fiscal cliff could push us into another recession next year, again according to the nonpartisan Congressional Budget Office. It would result in a \$4.59 trillion tax hike on individuals, families, businesses, and investors over the next decade. We have said that is the largest tax increase in the history of our country—over \$4.5 trillion. If we are serious about increasing tax revenues through economic growth, avoiding a recession is a good place to start.

Republicans are happy to debate President Obama on the best way to create jobs and to get our country back on sound fiscal footing. But in order to do so, we need to get the facts straight first. President Obama has not lived up to his promise to cut the deficit. He has not reduced spending in any meaningful way. And tax relief is not the main reason why we are in the red today.

Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. 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.

AGRICULTURE REFORM

Mr. JOHNSON of South Dakota. Mr. President, I rise today to talk about the critically important piece of legislation currently before the Senate, the Agriculture Reform, Food and Jobs Act. But first I would like to thank Senators STABENOW and ROBERTS for the great work they have done to get us to this point in the reauthorization process.

The bill as reported out of the Agriculture Committee saves taxpayers more than \$23 billion over the next 10 years and will support millions of jobs. With this bill, we are taking several important steps in making our farm support system more responsive to actual need rather than sending payments to producers no matter what

they grow. We are long past due in eliminating direct payments. At the same time, we are maintaining a strong crop insurance program and creating a new system that makes assistance available to producers when they actually experience a loss.

Another important area of reform in this bill is payment limitations and ensuring that actual farmers receive payments. Senator GRASSLEY and I have worked for years to lower the caps on our farm program payments and to direct payments to family farmers. The new Agriculture Risk Coverage Program contains a cap of \$50,000 and requires that program payment recipients contribute labor to the farm operation. Current law has enabled multiple farm managers in an operation to qualify for separate farm program payments with as little participation as one conference call a year. Not anymore under this bill. I am disappointed that there have been amendments filed to weaken this language. I don't understand how anyone can stand before this body and justify sending Federal farm program payments to people who aren't engaged in agriculture. Our country faces serious fiscal challenges, and it seems to me that limiting farm payments to real farmers is a reasonable concept. I urge my colleagues to oppose efforts to weaken this language.

With this bill we are also taking important steps to combine and streamline our conservation programs, while still allowing us to continue meeting the same land, water, and wildlife goals. Additionally, this bill contains a sodsaver provision that will discourage the breaking of native sod for crop production.

One area of the bill with which I am disappointed is that it does not contain a livestock title. However, I have joined with some of my colleagues in filing amendments to give our independent livestock producers a fair shake in the marketplace. Along with Senator GRASSLEY and others, I have worked for more than a decade to prohibit the ownership of livestock by the big meatpackers for more than 14 days prior to slaughter. Additionally, I have joined with Senator ENZI in filing an amendment to require more transparency in the use of forward contracts in the livestock markets. These are important provisions that I hope my colleagues will support.

I also applaud the committee's work on the energy and rural development titles, which strengthen our rural economies. The Rural Development water and wastewater program has been a critical funding source to help alleviate a severe water infrastructure need on the Cheyenne River Sioux Indian Reservation. I hope my colleagues will act favorably on Senator BROWN's amendment that I have cosponsored to bolster this and other Rural Development programs.

Finally, I would like to commend efforts to address the pine beetle epidemic in the forestry title of this bill.

The underlying bill does good work to increase flexibility, and I support the efforts of Senator MARK UDALL and others to increase the resources we are providing to the Forest Service to address this threat to our forest health and public safety.

I understand that the Agriculture Committee leaders and Senate leadership have been making progress in their negotiations toward an agreement on a path forward. I hope we can avoid letting a small minority of Senators hold up progress on this bill. It is time that we act and that we give our producers certainty.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

The Senator from Arizona.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 3306 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCAIN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I yield to the Chairman.

EXECUTIVE SESSION

NOMINATION OF MARY GEIGER LEWIS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Court Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, Senate Republicans announced

they are going to shut down and block the confirmation process for qualified and consensus circuit nominees for the rest of the year. That is unfortunate, and it does nothing to help the American people or our courts. The courts continue to be overburdened while consensus nominees for vacancies that could be filled are being stalled. In some cases for nominees, we have two Republican Senators from the State supporting them and others where we have a Democratic and Republican Senator supporting them. They have gone through our committee—usually by voice vote—and they are non-controversial. I have often spoken during the last three years of the foot dragging and obstruction by Senate Republicans with respect to this President's judicial nominations.

Just last week we saw the Majority Leader file the 28th cloture petition to end another filibuster against another qualified judicial nominee. Last week it was a nominee from Arizona supported by Senator KYL and Senator MCCAIN. By their announcement, the Senate Republican leadership is saying that it will not agree to proceeding with debate and a vote on any of the four circuit court nominees voted on by the Senate Judiciary Committee. They include a nominee from Maine strongly supported by both Republican Senators from Maine, and a nominee from Oklahoma supported by the Republican Senators from that state, as well as a nominee from New Jersey and one for the Federal Circuit who was approved by all of the Republican Senators on the Judiciary Committee, except for an unrelated protest vote. This plan to shut down the confirmation process is consistent with what the partisan Senate Republican leadership did in 1996, when it would not allow any circuit nominees to be confirmed, and again at the end of President Clinton's presidency, and can be contrasted with how Democrats acted in 1992, 2004 and 2008. This is really a challenge to the Senators who have said that they will not support these filibusters and this kind of obstruction.

It is hard to see how this new application of the Thurmond rule is anything more than another name for the stalling tactics we have already seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified consensus nominees, as we did up until September of the last two Presidential election years when we had a Republican President. That was supported by both Democrats and Republicans—to vote up through September. I have yet to hear a good explanation why we can't work to solve the problems of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible because I hear from judges all over the country