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Senate

The Senate met at 9:30 a.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.

Almighty God, our Heavenly Father, who of Your great mercy promised to supply all our needs, confirm and strengthen us in all goodness and bring us into the joy of abundant living.

Today, give our Senators the gifts of wisdom and understanding, of knowledge and judgment, so that those held captive will enjoy again the freedom and the peace of Your providential love. Help us to show our gratitude to You with words and actions of affirmation. Tune our minds to the frequency of Your spirit as we dedicate this day to serve You.

Lord, we ask You to bless our Capitol Police who risk their lives for freedom each day.

We pray in Your gracious 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. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2013.

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.

PATRICK J. LEAHY,
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.

ACKNOWLEDGING THE CAPITOL POLICE

Mr. REID. Mr. President, I appreciate very much the Chaplain's prayer, but I especially want to recognize the last line or two of his prayer today where he indicated that he wanted a special blessing on the Capitol Police. I am happy the Sergeant at Arms was here when that prayer was being given, because the Chaplain is right. Every day the Capitol Police protect us; that is, Senators and staff, but also the millions of visitors who come to this massive complex every year. We see them standing there at guard, watching the doors. We need to do that because a few years ago we had some madman crash through the House side and kill some police officers.

We see that things have gotten more difficult since then. We have people standing with automatic weapons. We have bomb squads. We have dogs that work with us so well. We have people who are on bicycles. But with the appropriations process coming soon,—I hope—we have to make sure we supply the Capitol Police with the tools and materials and equipment they need to continue doing their job.

Is it inconvenient for people coming here, and for us on occasion? The answer is yes. But they are doing that for

us, for the people who come to this complex. I want to acknowledge the good Chaplain. I appreciate his remarks on behalf of the people who protect us here every day.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 10:30. Republicans will control the first half, the majority the final half. Following morning business, the Senate will proceed to executive session to consider the nomination of Jane Kelly to be United States Circuit Judge for the Eighth Circuit and the nomination of Sylvia Burwell to be Director of the Office of Management and Budget.

At noon there will be up to three rollcall votes: confirmation of Kelly and Burwell and adoption of the motion to proceed to the Marketplace Fairness Act.

MEASURE PLACED ON THE CALENDAR—S. 788

Mr. REID. Mr. President, S. 788 is due for its second reading.

The PRESIDING OFFICER (Mr. MANCHIN.) The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 788) to suspend the fiscal year 2013 sequester and establish limits on war-related spending.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MARKETPLACE FAIRNESS ACT

Mr. REID. Mr. President, I had a number of meetings yesterday with Democratic and Republican proponents of the Marketplace Fairness Act. This

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



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S2909

is a piece of legislation that is overwhelmingly supported by Democrats and Republicans. I appreciate the remarks of the Presiding Officer yesterday on behalf of this legislation.

Succinctly, what this legislation would do is level the playing field between online sellers and brick-and-mortar retailers. As everyone knows, we have had a lot of problems with the economy. But in Nevada we have been hit very hard. We led the Nation for 20 years with a vibrant economy. In the last 4 or 5 years it has been difficult. We are doing better now but we are not doing great. For lack of a better description, I was going to say it breaks my heart. I am not sure that is proper. But I feel very badly when I drive in Reno or Las Vegas and see these little strip malls with "for lease" signs. They would not be for lease if they had the ability to compete with these online sellers.

As indicated yesterday on a number of occasions in presentations I heard made, people come to the retailers who pay money for brick and mortar. They will find a pair of shoes, they will find a coat they like, or whatever else, and they immediately walk out of there and go on line and do not pay the sales tax. That prevents that business from succeeding.

The reason I mention this today, we could finish this legislation today, on Wednesday, and move on to the other bipartisan legislation. We have a small number of Senators who are holding this up, stalling. This has 50 Democratic votes and at least 25 Republican votes. I know many of my Republican colleagues want to attend—and I think that is appropriate; I wish I could—the opening of the Bush Library in Texas. Unfortunately, there are Senators who are playing procedural games that are going to prevent that from happening. I do not say this often. There is no chance they can prevail. We have three States basically holding up this legislation. For people to talk, you are coercing us to do something. We are coercing those States to do nothing. Zero. Nothing. We are just trying to make the playing field level.

So I want everyone to understand, just a handful of Senators is preventing us from doing our work. We are going to finish this legislation this week. I know this sounds like me crying wolf, but this may be the time the wolf is really coming.

We have a bipartisan bill we have to move to next work period. It is the WRDA, Water Resources Development Act, supported by one of the most liberal Members of this Senate, BARBARA BOXER, and one of the most conservative Members, Senator VITTER. They have worked out a bill. It has been reported out of their committee. It is on the calendar right now. We are going to move to that.

In addition to that, we have another bipartisan bill in the wings coming out, the agriculture bill. We need to complete those bills next work period, be-

cause we have to get to immigration. So everyone understand, this is not crying wolf. We are going to finish this bill.

I spoke yesterday to Senator ENZI who has worked on this bill for 11 years. I spoke to my good friend—and certainly MIKE ENZI is my good friend; I do not mean to choose favorites here—LAMAR ALEXANDER. They both said we have got to finish this bill this week. We are going to do that. When I have requests from DICK DURBIN and my Republican friends to move forward on this bill, we are going to move forward on it. If we have to be here Friday and Saturday, I am telling everybody we are going to finish this bill.

We have a 3-week work period next time. We have to jam in WRDA and hopefully the ag bill so we can move before July 4 and finish the immigration bill which is going to take up quite a bit of time. We have too much to do when we return from our in-State work period.

I have a lot to do. I have a conference. I am going to do some things there with ERIC CANTOR. We do not do things together very often, but we are going to talk about some issues people want to talk about. I want to be able to do that. It is not here in Washington. If I have to put that off, it would be a shame for me and ERIC CANTOR, and I think the people putting on the conference. But if that is what it takes, that is what it takes. I want to go home. So we are going to finish this bill.

I am going to read an editorial from one of the world's leading newspapers. It says, "Budget Cuts, Minus the Inconvenience." Headline: Republicans encourage a sequester affecting the poor, but they are furious about travel delays.

Here is what it says. I am not editorializing, I am just telling you what they put in this newspaper editorial today.

On Monday, after the sequester cuts forced the Federal Aviation Administration to begin furloughs for air traffic controllers, delays began to build up at airports around the country. Travelers had to wait, but nothing delayed Republicans from scurrying away from all responsibility. Speaker John Boehner started using the Twitter hashtag #ObamaFlightDelays, the latest effort in his party's campaign to blame all the pain of the sequester on the Obama administration while claiming all the credit for its effect on reducing the deficit.

"Why is President Obama unnecessarily delaying your flight?" Eric Cantor, the House majority leader, wrote in a message on Twitter. If the President wanted to, Republicans said, he could easily cut somewhere else and spare travelers any inconvenience.

As it happens, the sequester law is clear in requiring the F.A.A. and most other agencies to cut their programs by an even amount. That law was foisted on the public after Republicans demanded spending cuts in exchange for raising the debt ceiling in 2012. Since then, the party has rejected every offer to replace the sequester with a more sensible mix of cuts and revenue increases. Mr. Boehner is so proud of that strategy that he re-

cently congratulated his party for sticking with the sequester and standing up to the president's demand for tax increases.

But drastic cuts in spending carry a heavy price. Republicans certainly don't want voters they care about—including business travelers and those who can afford to fly on vacation—to feel it. They continue to claim that the \$85 billion in this year's sequester can be covered by eliminating waste, fraud, consultants, and the inevitable grant to some obscure science or art project. And of course to programs for the poor.

You don't see any Republican hashtags blaming the president for cutting housing vouchers to 140,000 low-income families, which has begun. These vouchers are given by cities to families on the brink of homelessness, and about half of them go to families with children.

There aren't any tweets about the 70,000 Head Start slots about to be eliminated, which is forcing some school districts to distribute these valuable services by lottery.

This is not the editorial. The Presiding Officer's colleague, Senator ROCKEFELLER—a wealthy man with this great name—as a young man went to West Virginia and fell in love with the poor because he was a VISTA volunteer, and he never left. He is now here in the Senate.

Let's get to the editorial. I am sorry about that.

Continuing:

Or about the cuts to Vista [Volunteers in Service to America], which is hurting the program that performs antipoverty work in many States. Or the 11 percent cut in unemployment benefits for millions of jobless workers.

The voiceless people who are the most affected by these cuts can't afford high-priced lobbyists to get them an exception to the sequester, the way that the agriculture lobby was able to fend off a furlough to meat inspectors, which might have disrupted beef and poultry operations. And what was cut in order to keep those inspectors on the job? About \$25 million from a program to provide free school breakfasts.

As bad as the sequester was, it was being made worse by these special-interest demands for exceptions, as well as politically motivated attempts to deflect the responsibility for pain.

The maneuvering shows the futility of trying to reduce the deficit with crude and arbitrary cuts. Both Senate Democrats and the White House have proposed budget plans that replace the sequester with a much better mix of spending cuts and revenue increases.

On Tuesday, the Senate majority leader, Harry Reid, proposed replacing the sequester for 5 months with unspent money from the wars in Iraq and Afghanistan.

This is what one of America's major newspapers said today that millions of people will have the opportunity to read.

The sequester was designed as a tool to bring Democrats and Republicans together to reduce the deficit in a responsible way. By now we can all see that didn't work, and we can see that sequester's costs far outweigh the savings.

As indicated in this editorial, these across-the-board cuts would cost, this year, 750,000 jobs—three-quarters of a million jobs. They will cost us investments in education that keep America competitive. They will cost millions of

seniors, children, veterans, and needy families the safety net that keeps them from descending into poverty.

Most of the headlines are focused on the hours the sequester has cost travelers in airports across the Nation. The frustration and the economic effects of those delays should not be minimized.

The sequester could also cost this country, and humankind, a cure for AIDS, Parkinson's disease, or cancer. These arbitrary cuts have decimated funding for medical researchers seeking cures for diabetes, epilepsy, and hundreds of other dangerous and debilitating diseases.

The National Institutes of Health has delayed or halted vital scientific projects and reduced the number of grants it awards to research scientists. Thousands of research scientists will lose their jobs in the next few months. Research projects that can't go on without adequate staffing will be cancelled altogether. Ohio State University, which is known for more than a good football and basketball team, is also one of the premier research centers in America. Grants for cancer research and infectious disease control have been axed. They are over. At the University of Cincinnati, which is at the forefront in research on strokes—a leading cause of death in the United States—scientists are bracing for some more cuts. Vanderbilt University and the University of Kentucky are accepting fewer science graduate students because of funding reductions. At Wright State University, scientists researching pregnancy-related disorders, such as preeclampsia, will lose their jobs. Boston University has laid off lab scientists, and research laboratories in San Francisco have instituted hiring freezes and delayed the launch of important studies. Grants to some of Harvard University's most successful research scientists were not renewed because of the sequester.

The research I have talked about today—and these are only a few of them—saves lives and saves misery. These scientists are looking for the next successful treatment for Alzheimer's or the next drug to treat high cholesterol. They might never get the chance to complete their groundbreaking work or make their lifesaving discoveries because of these shortsighted cuts.

We have seen the devastating impacts of these arbitrary budget cuts. Now it is time to stop them.

Be prepared, everybody—the House is now working on another bill because we have the debt ceiling coming soon. They are working on another bill to make it even more painful for the American people.

Last night I introduced a bill that would roll back the sequester for the rest of the year, and just like the editorial indicated, it is something we should do. The bill would give Democrats and Republicans time to sit down at the negotiating table and work out an agreement to reduce the deficit in a

balanced way. It wouldn't add a penny to the deficit. It would use the savings from winding down the wars in Afghanistan and Iraq to prevent cuts that will harm our national security and our economy.

Before the Republicans dismiss these savings, they should recall that 235 Republicans voted to use these funds to pay for the Ryan Republican budget. They didn't consider it a gimmick when it served their own purposes.

We can stop the flight delays and the pink slips. We can stop the devastating cuts to programs that protect low-income children, homebound seniors, and homeless veterans. We can stop the cuts to crucial medical research. But Democrats can't do it without Republicans' help.

Republicans overwhelmingly voted for these painful, arbitrary cuts, and Republicans bear responsibility for their consequences. Remember, these cuts came about because of the debt ceiling they refused to move on until these devastating cuts came about, and Republicans bear responsibility for the consequences, from travel delays to cuts to vital programs. Now Republicans must accept that they have an obligation to cooperate with us to help stop these Draconian cuts and mitigate the consequences.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, I ask unanimous consent that the leader time not count against the hour that is set aside for morning business.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

SEQUESTRATION

Mr. MCCONNELL. Mr. President, something really remarkable happened in the Senate last night. It was sort of late in the day, so for those who missed it, here is a little recap.

Late yesterday afternoon the majority leader handed us a hastily crafted bill and then asked if we could pass it before anybody had seen it. Apparently, someone on the other side realized they had no good explanation for why they hadn't prevented the delays we have seen at airports across the country this week, so they threw together a bill in a feeble attempt to cover for it. It is pretty embarrassing.

It actually proposes to replace the President's sequester cuts with what is known around here as OCO. I know this isn't something that will be familiar to most viewers, so let me borrow an explanation provided by Senator Joe Lieberman in a letter he signed with Dr. COBURN last year. Here is what Senator Lieberman said about OCO:

The funds allocated for OCO or "war savings" are not real, and every member of Congress knows this. The funds specified for Overseas Contingency Operations in future budgets are mere estimates of what our nation's wars cost may be in the future. And since it is likely that future OCO costs will be significantly less than the placeholders in the Congressional Budget Office's estimates, it is the height of fiscal irresponsibility to treat the difference between the assumed and actual OCO costs as a "savings" to be spent on other programs.

Let me read that last part again.

It is the height of fiscal irresponsibility to treat the difference between the assumed and actual OCO costs as a "savings" to be spent on other programs.

This is from the man who was once the Democratic nominee to be Vice President.

There is bipartisan consensus that this thing we call OCO is a fiscally irresponsible gimmick. The director of the Concord Coalition has called it "the mother of all . . . gimmicks." The president of the Committee for a Responsible Federal Budget called it a "glaring gimmick." Whether OCO is the mother of all gimmicks or just a glaring one, everybody other than the majority leader evidently agrees on one thing: It is the height of fiscal irresponsibility.

Now, just as important as what the majority leader's proposal is, however, is what it isn't. It isn't a tax increase. That is actually news. The majority leader is clearly ditching the President on this issue. As you may recall, the President has said he would only consider replacing the sequester with a tax hike. Whatever you want to say about OCO, it is not a tax hike—it is borrowed money that will have to be repaid later.

Still, it doesn't punish small businesses the way the President's proposals would. So this is, in a sense, big news. It represents a significant break from the President's favored approach on this issue.

As I said yesterday, the President rejected the flexibility we proposed on the sequester for obvious political reasons. He wanted these cuts to be as painful as possible for folks across the country and to provide an excuse to raise taxes to turn them off. Well, it is simply not working. Even his own party is starting to abandon him on this issue.

The broader point is this: Even without the flexibility we propose, he already has the flexibility he needs to make these cuts less painful. He has it right now. He should exercise it.

I also think we should all acknowledge that there is now a bipartisan agreement that tax hikes won't be a replacement for the sequester. The real solution, as I said, is for the administration to accept the additional flexibility we would like to give them to make these cuts in a smarter way and to get rid of wasteful spending first.

Surely, in the \$3.6 trillion we are spending this year, we could find a way to reduce the spending we promised the