



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, WEDNESDAY, MAY 8, 2013

No. 64

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Creator and sustainer, whose almighty hand leaps forth in beauty all the starry band, thank You for the gift of freedom that You have given our Nation. Make us responsible stewards of Your bounty.

Guide our lawmakers in the way of peace, as Your liberating love is seen in their lives. Lord, give them tough faith for troubled times. May they submit to Your guidance and strive to faithfully serve You. Give them the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN 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, May 8, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a

Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

MEASURE PLACED ON THE CALENDAR—S. 888

Mr. REID. Mr. President, I understand that S. 888 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 888) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MAJORITY LEADER

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

THE BUDGET

Mr. REID. Mr. President, for years Republicans have been singing the praises of regular order, week after week, month after month. It has gone into years now. Even though they may not have been correct, they did it anyway. They said how they missed the days of committee markups, how they longed for an amendment vote-arama, amendments, and how they pined for a budget resolution.

As the junior Senator from Texas said just before the election:

Senate Democrats have not even had a budget in 3 years. They are not pretending to try to fix these problems. I think that is irresponsible.

But then Republicans got what they wanted 46 days ago. Forty-six days it has been since the Senate passed its budget, but Republicans are standing in the way of moving forward in the conference. They got what they asked, and now they no longer want what they asked for.

Remember, 46 days ago, under regular order, after a thorough committee markup, an all-night session—we ended at 5 a.m. in the morning—the Senate passed a budget resolution. Over the last 46 days, Republicans have stunningly and repeatedly blocked attempts to name budget conferees. If we did that, we could start down the path to compromise.

That is what legislation is all about. Legislation, by definition, is the art of compromise.

It is Republicans who, as Senator CRUZ put it, aren't even intending to fix these problems.

Republicans often have said the regular order of the budget process is the only way to get long-term sound fiscal policy. Democrats and Republicans will not find common ground if they don't sit down and talk. Obviously, if we can't talk, it doesn't do any good. We need someone to talk to. Here is what we are trying to accomplish. Move legislation forward.

Don't take my word for it. This is what the Speaker of the House of Representatives said just a few weeks ago:

Here is the process. The House passes a bill. The Senate can pass a bill. And if we disagree, we go to conference and work it out.

What Speaker BOEHNER and Senator CRUZ have said is that they used to love the idea of regular order, but they don't like it anymore. They got what they wanted, but they don't like what they got.

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



Printed on recycled paper.

S3215

This is what my friend, the minority leader, said in January of this year in praise of the conference committee:

If the Senate version is different than the one the House sends over, send it off to conference. That's how things are supposed to work around here. We used to call it legislating.

That is what the Republican leader said.

A few days later, Senator MCCONNELL extolled the virtue of regular order by saying this:

Remember, regular order is how the Senate is supposed to function. . . . The public is supposed to have a chance to scrutinize the proposals before us.

Here we have the junior Senator from Texas, the Speaker of the House, and the Republican leader saying we should have regular order. We should pass legislation, as we have done and the House has done, and then work it out in conference.

So we agree. I agree with those three people. Do you know something else. The American public agrees.

They suddenly don't like what they wished for. We passed our budget; the House Republicans passed theirs. The next step under regular order is to move to conference to negotiate a compromise.

I can't understand—maybe I do. I think I understand why Republicans don't want to debate their budget in the light of day.

You see, the Ryan budget, which they extol to each other, which passed the House, would turn Medicare into a voucher program—the end of Medicare as we know it.

The Ryan Republican budget would lower taxes for the rich while the middle class foots the bill. That is in their budget.

The Republican budget would rip the safety net from under the elderly, the middle class, veterans, and the poor. No wonder they don't want to go to conference. No wonder they don't want transparency.

The Democratic budget, by contrast, would preserve or protect Medicare for our children and grandchildren. The Democratic budget would ask the wealthiest Americans to contribute just a little bit more to help reduce the deficit. The Democratic budget would balance smart spending cuts with new revenue from closing loopholes.

It is obvious, then, why the Republicans don't want to compare the sensible Senate budget with the extreme House budget. The extreme House Republican budget was resoundingly rejected by the voters in November. That is what Governor Romney touted. Remember, Congressman RYAN was his Vice Presidential candidate. They ran together.

Now it is time for each side to stand for what it believes. As the junior Senator from Texas said late last year, we have "got to go on record and say this is what we want to do, this is our budget."

Democrats aren't afraid to debate our principles in the light of day. We

aren't afraid to try to resolve our differences in a conference committee instead of behind closed doors. This has been the custom in the Senate and House of Representatives for more than 200 years.

Why are Republicans so afraid? Why are they blocking us from continuing this process in public?

We heard from the junior Senator from Texas: Republicans will only go to conference if Democrats agree ahead of time to give in to every one of their demands. That is a strange one. Sure, we will go to conference, but before we go you have to agree to everything we want.

If Republicans can't rig the game in their favor, he said, there will be no game, no conference, no legislating at all. Democrats want to put deadline-day negotiations and last-minute fixes behind us. We want to engage in a responsible legislative process under regular order, and we will keep pushing the process forward. Passing a budget in each Chamber is a good step to restoring regular order. It is only a first step. The next step is to sit down and resolve our differences.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in morning business until 10 a.m. At 10 a.m., the Senate will recess until 11:30 to allow for the joint meeting of Congress with the President of the Republic of Korea. When the Senate reconvenes, we will resume consideration of S. 601, the Water Resources Development Act. At 2 p.m. there will be three rollover votes in relation to amendments to the bill.

RECOGNITION OF THE MINORITY LEADER

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

WELCOMING THE PRESIDENT OF SOUTH KOREA

Mr. MCCONNELL. Later today we will welcome the President of the South Korea to address both Houses of Congress. President Park is a truly extraordinary woman, the first female chief executive of her country and, I might add, a conservative.

She is a strong leader too. I suppose that is because she endured so much in her own life; the assassination of her mother when she was only 22, the assassination of her father a few years after that, and the violent attack she herself endured in 2006.

Yet beyond a scar on her face, you would not know. She didn't recoil in fear. She threw herself right back into the rough and tumble of public life. So she is tough. I know this tenacious leader is committed to the United

States-South Korea alliance which is so important to both of our countries. The transition from her predecessor, President Lee, could not have been smoother. Both his administration and hers have been true partners, especially at a time of high contention.

We welcome President Park and look forward to hearing what she has to say later today.

NOMINATION OF THOMAS PEREZ

Mr. MCCONNELL. Mr. President, this morning I would like to say a few words about the nomination of Thomas Perez as Labor Secretary.

The Perez nomination has generated a fair amount of controversy. For those who haven't tuned in yet to the debate surrounding his nomination, I would like to take a few minutes this morning to explain why.

The first thing to say about this nomination is that neither I nor anyone else on this side of the aisle has anything against Mr. Perez personally. As a graduate of Harvard Law School, there are a lot of things he could have done other than advocate for those struggling on the fringes of our society.

Yet when it comes to a vote such as this, we have to weigh a lot more than a nominee's intentions. We have to look at how those intentions square with the higher obligation that any nominee, but especially a Cabinet nominee, has to the rule of law. It is on this point where this nomination becomes so controversial and where the deference that Senators of both parties generally grant Presidents when it comes to picking Cabinet nominees begins to break down.

By all accounts, Tom Perez is not just a man with a heart for the poor, he is a committed ideologue who appears willing, quite frankly, to say or do anything to achieve his ideological end.

His willingness, time and again, to bend or ignore the law and misstate the facts in order to advance his far-left ideology leads me and others to conclude he would continue to do so if he were confirmed to another and much more consequential position of public trust.

Take, for instance, his efforts while on the Montgomery County Council to get Canadian drugs imported to the United States. According to the Washington Post, Perez tried to get the county to import these drugs even after—even after—a top FDA official said doing so would be, in his words, "undeniably illegal."

What was Perez's response? "Federal law is muddled," he said at the time. "Sometimes you have to push the envelope."

Think about that statement. "Sometimes you have to push the envelope." Is that the kind of approach to Federal law we want in those we confirm to run Federal agencies? Folks who think if a Federal law is inconvenient to their ends they can simply characterize it as