



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, MAY 20, 2013

No. 71

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable TIM KAINÉ, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal Lord God, because You are our shepherd, we face the future with confidence. Keep our Senators humble as they seek to serve You and country. May they never forget Your kindness to them and this land we love. Remind them that You alone are the source of their strength and the shelter where they can find safety. Listen to their prayers and answer them, supplying all their needs according to the richness of Your grace and mercy. Lord, strengthen them for each challenge as You bless them in their going out and coming in. May they overcome cynicism with civility in all their relationships.

We pray in Your gracious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM KAINÉ 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 20, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM KAINÉ, a Senator

from the Commonwealth of Virginia, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 3 p.m. today. At 3 p.m. the Senate will begin consideration of S. 954, which is the farm bill. At 5 p.m. the Senate will proceed to executive session to consider two U.S. district court nominations: the Chappell nomination, from Florida, and the McShane nomination, from Oregon. At about 5:30 there will be up to two rollcall votes on confirmation of these nominations.

### THE FARM BILL

Mr. REID. Mr. President, Democrats and the tea party-driven Republicans differ on many things, so it is remarkable and encouraging to see how well Senator STABENOW and Senator COCHRAN, the chairman and ranking member of the Senate Agriculture Committee, worked as a team to bring the ag jobs bill to the floor. Their work has been exemplary, some would say old-fashioned—the way things used to be.

The committee members included many of the amendments that were adopted last year when the Senate considered and passed a farm bill. As we will remember, it went to the House, and of course they did nothing. The committee did this in an effort to expedite the floor process which begins today. I hope their cooperative spirit

guides our work on this important legislation.

American farmers are counting on us, but so is the economy. Despite uncertain economic times, America's farms and ranches are the most productive in the world, exporting about \$150 billion worth of products last year and supporting 16 million private sector jobs. But to keep American farms strong, Congress must pass a strong farm bill. The legislation before this body will create jobs, cut taxpayer subsidies, and reduce the deficit. The bill includes important reforms to farm and food stamp programs and saves more than \$23 billion, which we will use to reduce the deficit. It will give farmers the certainty they need to maintain the largest trade surplus in any sector of our economy.

Helping American farmers thrive is an important part of our work getting the economy on firm footing again. Again, I commend Senators STABENOW and COCHRAN for their leadership on this important issue.

While the Senate has taken a lot of bipartisan action on the agriculture jobs bill, it has seen no progress on the important budget. Senate Republicans still refuse to allow us to negotiate with our House counterparts on a compromise that respects both parties' principles. It has now been 58 days since the Senate passed its budget, 58 days waiting for the Republicans to say: OK, let's try to work out our differences.

They have been talking for a couple of years now: What is wrong with the Senate? We don't follow regular order.

What does that mean? We don't follow the principles we have always followed.

They say they want to pass a budget so we can get to regular order. I guess they thought we could not pass a budget, because we passed one and now they refuse to go to conference. I think the main reason they are afraid to do that is that under the rules in the House, if

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



Printed on recycled paper.

S3589

we go to conference, the House Democrats—who are kept out of everything—have the right by rule of the House of Representatives to offer what they call motions to instruct, to say don't cut Medicare, don't continue to whack little kids who are trying to get an education with the Head Start Program, don't cut NIH programs. They can force the Republicans to vote on that matter. I think that is what it is all about.

It has been 58 days since the Senate passed its commonsense, progrowth budget, but my Republican colleagues have objected time and time again to a conference with the House. The only explanation Republicans have given for endless obstruction is this: They refuse to negotiate unless we agree in advance to let them win. I am not making that up. That is true. Republicans refuse to go to conference unless Democrats adopt policies that were soundly rejected by the American people last November. It is a very bizarre way to negotiate. Meanwhile, the country inches closer and closer to yet another crisis—defaulting on the Nation's legitimate bills. They put off compromise until the last moment so they can use the debt limit as a bargaining chip. They hope to exploit concessions such as more tax breaks for the wealthy, hurting middle-class families; more concessions in Draconian cuts to Medicare, which, of course, hurts the elderly; stark concessions with cuts to Head Start, hurting little kids or they hope to extort concessions on more cuts to the National Institutes of Health, which hurts us all.

In fact, House Republicans met last week to decide what ransom they would demand to avoid a catastrophic default on this Nation's debts. One House Republican called it a laundry list of conditions. On the list—repealing the landmark health care reform. On the list—restricting women's health choices. On the list—more Draconian cuts to programs that are keeping American families strong.

Despite the political pain they caused themselves last time they held hostage the full faith and credit of the United States, they are again headed down that same path. This time they are suggesting that government should skip payments to the troops, to veterans, to Medicare recipients, and more. Why? So we can pay China first. I am not making this up. That is what they want to do. Their plan would hurt our national security, our economic security, and it would not prevent default. The Republican approach—default on the bills—is irresponsible, extreme, and really senseless. By now they should know that it is compromise, not political hostage-taking, that will set our Nation on the road to fiscal responsibility.

#### RESERVATION OF LEADER TIME

Mr. REID. Will the Chair announce the business of the day.

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 until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. WYDEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### McSHANE NOMINATION

Mr. WYDEN. Mr. President, I am pleased that the Senate will be voting on the confirmation of Judge Michael McShane today to serve as U.S. district court judge for the District of Oregon.

Judge McShane is a product of the judicial selection committee that I have organized at home in Oregon. Senator MERKLEY has been in full support of this effort. Judge McShane is coming forward for consideration by the Senate as a result of the work of that special judicial selection committee made up of individuals with a variety of different philosophical views, and I am very pleased that the President has seen fit to send Judge McShane's name to the Senate.

In a sentence, Judge McShane has a heart for people, a head for the law, and a high-minded sense of justice. I start by way of saying he certainly has outstanding academic credentials. He was a magna cum laude graduate from Gonzaga University. He attended the Northwestern School of Law at Lewis and Clark College where he graduated in the top 10 percent of his class, and his accomplishments in the courtroom have earned him very high ratings by the American Bar Association.

From an academic standpoint, Judge McShane is clearly qualified for this position. What I feel particularly strongly about—and what was evidently very important to our judicial selection committee—is that he has been an extraordinary member of our community.

He always steps up when asked to help his community. For instance, he stepped up when he was called and asked to be an advocate for inner-city and HIV-positive youngsters. While in these various leadership and volunteer roles, he has always come forward, not just to help but also to come up with innovative approaches in terms of his work with kids. We especially see this in his advocacy for at-risk youngsters in the Job Corps Program.

Judge McShane brings these young people into his courtroom as interns to help with the day-to-day operations where they are given the opportunity to see the inner workings of our judicial system. In many instances Judge McShane literally guides them through the process and sets about to make it possible for them to be involved in ways we normally would not think of when we are looking at the role of a judge.

For example, in many cases Judge McShane buys sport coats and khakis for these youngsters who might otherwise feel uncomfortable in a courtroom setting. Judge McShane, in his own words, has been known to say: I want to make sure those young people have a chance to "blossom." Those are the words he uses. He makes it possible for them to get the sport coats and khakis with his own money so they can participate in this unique training.

This past year he was awarded the 2012 Oregon State Bar President's Public Service Award for his service to the community. He is involved in the Northwestern School of Law mentoring program, and in 2009 he was named the law school's Mentor of the Year.

Also, through the classroom law project Judge McShane presides over Summer Law Camp for inner-city kids. On top of that, Judge McShane plays an important role as a foster—and now adoptive—parent through the Oregon Department of Human Services.

We looked at that kind of community caring, and we said this is truly an exceptional individual. We juxtaposed that wonderful record of community service alongside of his legal track record.

Judge McShane began his legal career as an attorney with the Metropolitan Public Defender's Office in Portland. We all understand the importance of public defenders. In 1997, as a result of his good work, he was appointed by the Oregon Supreme Court as a full-time pro tem judge. For the last decade he has been an adjunct professor at his alma mater, the Northwestern School of Law at Lewis and Clark College, where he teaches trial advocacy and the criminal practice seminar.

Among the many reasons I believe he is academically and professionally very qualified to be a judge is because his litigation experience includes both complex criminal and civil cases. He is the senior member of the Multnomah County Circuit Court's Death Penalty Panel and presided over more capital cases than any other sitting judge in our State. He has been a proven advocate for evidence-based sentencing, and he has a proof-based sentencing model for driving under the influence of intoxicants offenders that has now become the standard in Multnomah County.

It is for all of those reasons—especially his track record in terms of community service as well as those outstanding professional experiences starting as a public defender and teaching in the classroom—that I am very