



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, WEDNESDAY, JUNE 12, 2013

No. 83

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.

Strong Deliverer, You are our strength and shield. Use Your powerful arms to help those in need and to prepare us to be instruments of Your purposes. Lord, listen to our longings and hear our cries as we intercede for this land we love. Bring to America the righteousness that exalts nations as You lead us away from those sins that bring reproach to any people. Use our lawmakers in this endeavor so that they will plant seeds that will produce a moral and ethical harvest. May their lives provide exemplary models of moral excellence so that people can see their ethical congruence. Teach them to hate pride and deceit as they strive to treat others as they want others to treat them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER 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, June 12, 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.

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 for 1 hour. The majority will control the first half and the Republicans the final half.

Following morning business the Senate will resume consideration of S. 744, which is the immigration bill. Today we will work through amendments on the bill. Senators will be notified when votes are scheduled.

IMMIGRATION REFORM

Mr. REID. Mr. President, last night the Senate advanced a bipartisan immigration reform bill that will be good for national security and very good for our economy. It will be good for American citizens as well as those who aspire to one day become citizens.

It is truly gratifying to see the momentum behind this commonsense reform proposal. Eighty-four Senators voted to adopt the motion to proceed to this legislation—a very strong vote. By comparison, the Senate failed to advance an immigration reform bill just 6 years ago when only 46 Senators voted to end debate on that measure.

It is a sign of progress that the legislation now before the Senate has not been stopped procedurally. I hope we are allowed to proceed on this legislation without being blocked by some ar-

cane Senate rule and that we can finish this legislation and send it to the House of Representatives.

I applaud the Gang of 8 for their bipartisan proposal. That is how the Senate used to work. They worked hard. They have worked through hundreds of different proposals. After the Gang of 8 finished their work, they took it before the Judiciary Committee. There were over 100 amendments—many more than 100 amendments. They adopted 46, and some 40 amendments were Republican amendments that were adopted. Chairman LEAHY conducted a fair markup, and no one disputes that. So I commend the Gang of 8 for allowing the bill to get to the Judiciary Committee, and I thank the Judiciary Committee for now giving us this proposal and bringing it to the floor, and now Democrats allowing us to proceed on this legislation, as well as Republicans.

Our goal now is to pass the strongest legislation possible, with as many votes as possible, while staying true to our principles, then await what the House is going to do. The Speaker has said he wants a bill that will allow the Democrats to vote. That is good news because in the House, for the last two Congresses, there have been very few opportunities for the Democrats to vote on substantive legislation.

The Speaker has said he will only allow legislation to pass over there that has a majority of the majority. That means only Republicans. If they don't have enough Republican votes, they are not going to bring up a bill for a vote. So I am very pleased the Speaker would say that. It is important we understand the procedure we have used for 230-plus years in this body: We pass something here, they pass something in the House, we go to conference and work out our differences.

So I understand we have a long road before us and more work will be necessary to get this bill across the finish line. I truly understand that. I know some of my Republican colleagues will

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



Printed on recycled paper.

S4351

support this bill if they feel confident what is in the bill adequately addresses the need to secure our borders. I agree the legislation focused on border security a lot. I think that is important, and I am glad it did.

Reform that takes significant steps to stop illegal crossings is important, and reform that does not take significant steps to stop illegal crossings will fail. That is why I so admire what was done by the Gang of 8 and the Judiciary Committee in regard to that issue. They have done a terrific job on border security.

We should all also acknowledge the progress the Obama administration has already made to secure our borders. Illegal border crossings are down 80 percent. That is no small accomplishment. Yesterday I received a letter from my colleagues, the chairman of the Judiciary Committee PAT LEAHY, and the chairman of the Homeland Security Committee TOM CARPER, detailing the tremendous strides we have made toward a more secure border.

As described by the Wall Street Journal, illegal entries nationwide are at a four-decade low. We have less crossings now than we had at any time during the last 4 years, and the number of illegal entrants who sneak into the country through the southern border and successfully elude law enforcement—so-called “got aways” is what they are called—is down 86 percent. Smarter technology, physical barriers, and double the number of agents on the border have made this achievement possible.

We must ensure those who come to America seeking a better life do so in compliance with our laws. The measure before the Senate builds on the progress we have made by allocating even more resources for border security infrastructure, and that includes patrol bases, unmanned vehicles—yes, drones—helicopters, fixed-wing aircraft, sensors, x-rays, cameras, and more. This legislation also includes additional funding for the prosecution of those who are caught crossing illegally.

The legislation also establishes two strict but attainable statutory border security goals: to prevent 90 percent of illegal entries and to monitor the entire southern border, not just high-risk sectors of the border. Chairman LEAHY and Chairman CARPER agreed in their letter that this legislation will reduce illegal entries by reforming our legal immigration system.

This legislation will make it virtually impossible for undocumented people to work, so they will no longer have an incentive to enter illegally.

This is what my two colleagues said in their letter:

We need to stop focusing our attention on the symptoms and start leading with the underlying root causes of illegal immigration in a way that is tough, practical, and fair.

That says it all. This bill does that.

There is one thing this bill does not do and should not do: It does not and should not make the path to citizen-

ship contingent on attaining border security goals that are impossible to measure. That would leave millions who aspire to become citizens in indefinite limbo. We have to move past this.

Six years ago we tried to do something about it and the situation only got worse. This legislation is critical. If we made those goals impossible, the legislation would be a failure. This would give opponents of citizenship in the Senate an opportunity to prevent our border security goals from being met in order to block the path to citizenship. I am concerned that some who oppose the very idea of reform see these triggers as a backdoor way to undermine the legislation, and we must be very careful in recognizing that people are trying to do that with this legislation now before this body. I believe some Republicans with no intention of voting for the final bill—no intention, regardless of how it is amended—seek to offer amendments with the sole purpose of derailing this vital reform.

I commend Senators—Democrats and Republicans—who sincerely want to make this proposal stronger by enhancing its border security provisions. So I look forward to hearing ideas over the next few days on amendments—ideas to make our country safer and more secure. If that is the intent, we will certainly look at it, and I hope we can move forward as expeditiously as possible.

I am glad colleagues, both Democrats and Republicans, are engaged in this debate and are interested in offering amendments, but I hope those amendments will be constructive in nature. We have come too far and the country needs this legislation too badly to lose sight of our purpose now.

As Martin Luther said, “Everything that is done in the world is done by hope.” There is no better example of that than this legislation because hope is what it is all about. As Martin Luther said, “Everything that is done in the world is done by hope,” and I certainly believe that regarding this legislation.

RECOGNITION OF THE MINORITY LEADER

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

KENTUCKY BUS ACCIDENT

Mr. MCCONNELL. Mr. President, I wish to send my sympathies to the many families in Kentucky affected by a terrible bus accident that occurred yesterday afternoon. A group of Waggener High School students were returning to Louisville after a visit to Eastern Kentucky University when their bus crashed on Interstate 64. Of the 42 people onboard, 34 were taken to area hospitals. Thankfully, news sources report no loss of life. I am going to continue to closely follow the details of this accident.

The people of Kentucky, always generous of spirit, have already responded to this accident with an outpouring of support for the crash victims. I am grateful for that and I am grateful also that this situation was not much worse.

NOMINATIONS

Mr. MCCONNELL. Mr. President, Senate Democrats are not content with the additional powers they have—powers greater than those enjoyed by any previous majority—so they intend to manufacture a crisis over nominations as a pretext for a further power grab. Yet the Senate is treating President Obama's nominees very fairly. For example, let's just look at how the Senate has treated his judicial nominees.

Overall, the Senate has confirmed 193 lower court judges and defeated only 2—defeated only 2. That is a .990 batting average—a .990 batting average. After this week, the Senate will have approved 24 of the President's lifetime appointments compared to just 9—9—for President Bush at a comparable point in his second term.

I will mention my party actually controlled the Senate then, so we could have arguably confirmed a lot more. President Bush got 9 at this point in his second term; President Obama 24.

Last Congress Obama had more district court confirmations than in any of the previous eight Congresses—previous eight Congresses. He also had almost 50 percent more confirmations—171—than President Bush—119—under similar circumstances.

To support an unprecedented power grab, the administration and its allies in the Senate have resorted to truly outlandish claims about how the President's judicial nominees are being treated—sort of making this stuff up.

Washington Post Fact Checker gave the President two Pinocchios for extreme claims about Republican delays of his judicial nominees, noting that in some ways the President's nominees are actually being moved along “better” than Bush's.

The Washington Post cited CRS's conclusion that from nomination to confirmation—one of the most relevant indicators, according to a Brookings scholar—Obama's circuit court nominations are being processed about 100 days quicker—100 days quicker—than President Bush's: 350.6 days for Bush to 256.9 for Obama.

Factcheck.org:

... during Obama's first term, his nominees to federal appeals courts actually were confirmed more quickly on average than Bush's first-term nominees, measured from the day of nomination to the day of the confirmation vote.

Politifact:

... the average wait for George W. Bush's circuit court nominees was actually longer from nomination to confirmation.

So, as you can see, Mr. President, this is a manufactured crisis—one that does not, in fact, exist—in order to try