



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, TUESDAY, JUNE 18, 2013

No. 87

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.
Eternal Spirit, place Your judgments in the Earth so that the world's inhabitants will learn righteousness. Today, give our Senators a strong and vivid sense that You are by their side. In their downsitting and uprising, make them aware of Your presence. By Your grace, Lord, let no thoughts enter their hearts that might hinder communion with You, and let no word leave their lips that is not meant for Your ears. Surround them with the shield of Your favor and give them mutual trust and loyalty for their relationships with one another.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The 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 an hour. The Republicans will control the first half, and the majority will control the final half. Following that morning business the Senate will resume consideration of the immigration bill.

The Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus

meetings. At 3 o'clock there will be four rollcall votes in relation to amendments to the immigration bill.

Mr. President, I would simply add on that, I have had a number of calls already this morning saying: You cannot have the votes then. I have this. We have meetings. We would like to have the votes at 4 o'clock.

This bill, we have to move forward on it. I was very happy we were able to get consent to have these four votes starting at 3 o'clock today. Time is of the essence on this legislation. I have been patient. We have all been patient waiting to see what amendments people want to offer. I want to make sure that on some of these major issues people have had the time to work through them. We know some of the issues are difficult. I have been told Senator HOEVEN and Senator CORKER are trying to work with the eight bipartisan Senators to come up with something they believe is important for them to vote on. I have no problem with that, but I am just telling everybody, as I have now for quite a long time, that we are going to either file cloture on this on Friday, Saturday, Sunday, or Monday. We have to move forward on this legislation.

So I urge people to work together to come up with whatever amendments they believe are important. Of course, we are all looking at this major issue. I have talked to the Republicans' Gang of 8 and the Democrats' Gang of 8. They are working on something dealing with border security. I am not telling anyone what to do other than to do it as quickly as you can.

The time has come to make decisions on this important piece of legislation. We say we have been on it 2 weeks. We have really been on it longer than that. That first week after the break there were meetings going on all over this Capitol on what we should do with immigration.

So I would hope people understand that this may not be one of our normal

weekends where we shoot out of town to go back to wherever we come from. We have to move forward on this legislation.

BUDGET CONFERENCE

Mr. REID. Mr. President, I talked yesterday at some length on the budget. It is important. We are approaching 3 months where we have not been able to go to conference on this budget. This is so extremely important. I spent yesterday morning at the NIH. I was not able to meet with all the heads of the Institutes, but I met with four of them, plus Dr. Collins, who runs the NIH, the National Institutes of Health.

I will have more to say about this later, but South Africa, England, France, India—China is increasing their spending by almost 25 percent for programs just like we have at NIH. What are we doing at NIH? We are cutting spending. They have been flat-funded since about 2004. With the stimulus bill, which is now going on 5 years ago, we gave them a shot in the arm because of Senator Specter. But that money has long since been gone. They are headed downhill, and they have been for several years now. These wonderful scientists we have there are leaving.

One of the scientists from the University of Michigan, who, by the way, is best friends with my chief of staff, is basically staying away from NIH because you cannot have—and he is an expert, one of if not the leading expert in the world on melanoma. He is not making application for NIH grants anymore because they cannot do scientific research when it is only available for a year or two. So I hope we can move forward on this budget conference and get something done on this to set the Nation's financial problems in the right direction. We are not going to get anything done unless we are able to get something done on the budget. We cannot do 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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I am proud of the budget we passed. I think it is a very good budget, but I realize if we go to conference we may have to change some of the things we have in our budget. But we are never going to get this done unless we sit down and work this out, as we have done for more than two centuries here in conferences between the House and the Senate.

STUDENT LOAN INTEREST RATES

Mr. REID. Finally, I see on the floor my friend, the senior Senator from Tennessee, who has been a longtime Governor of his State. He has been the Secretary of Education. We have an issue coming up soon. If we do not work something out in this body before the end of this month, student loan interest rates will go up a lot. If we do nothing, they will double from 3.4 percent to 6.8 percent. If we do what the House wants to do, if we do what Senate Republicans want to do, these student loans will be used to reduce the debt. I do not think that is what we should be doing with students. While this is not the time to debate this issue, everyone should be aware as we deal with immigration over the next couple weeks, we also have to keep this matter on the radar screen that we are going to have to do something about.

I have a number of meetings on this today, and I am sure my Republican colleagues have meetings throughout the day, and we need to have as many as we can to work something out to get this done.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COWAN). The Republican leader is recognized.

SENATE RULES

Mr. MCCONNELL. Mr. President, day after day I have been coming to the Senate floor to remind the majority leader of the commitments he made to the American people in 2011 and again just a few months ago that he would not break the rules of the Senate in order to change the rules of the Senate; that he would preserve the rights of the minority in this body; that he would not try to remake the Senate in the image of the House, something that could change our democracy in a very fundamental way.

So the question remains: Will he keep his word?

Here is what he said on January 27, 2011:

I will oppose any effort in this Congress or the next—

The one we are in now—

to change the Senate's rules other than through the regular order.

And here is what he said this year, after I asked him to confirm that the Senate would not consider any rules

changes that did not go through the regular order process:

That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process including consideration by the Rules Committee.

Now, look, Mr. President, a Senator's word—especially the word of the majority leader—is the currency of the realm in this Chamber—the currency of the realm in this Chamber. As the majority leader himself said:

Your word is your bond . . . if you tell [a Republican Senator or a Democratic Senator] you are going to do something, that is the way it is.

He is entirely correct. Senators keeping their word, well, that is just vital to a well-functioning Senate. But it is only part of the equation. We also need well-established rules that are clear, fair, and preserve the rights of all Senators—including those in the minority—to represent the views of their States and of their constituents. That is the other reason why I have been pressing the majority leader on this issue.

As a matter of principle, holding a Senator to his or her word is important, but so is preserving a Senate that works the way it is supposed to. And we cannot be assured of that until the majority leader affirmatively states that he will stay true to the commitments he has made.

I understand my friend the majority leader is under a lot of pressure. I have known him for a long time, and deep down I know he understands the far-reaching consequences of "going nuclear." I think he actually realizes how terrible an idea that would be because once the Senate definitively breaks the rules to change the rules, the pressure to respond in kind will be irresistible to future majorities. The precedent will have been firmly and dramatically set.

Some Washington Democrats say: Oh, they just want to limit the rules change to nominations; they just want to make a little adjustment on nominations, which is why they have been hurtling the Senate toward a manufactured fight over a couple of the President's most controversial nominees. But Republicans have been treating the President's nominees more than fairly.

At this point in President Bush's second term he had a total of 10 judicial confirmations; and, by the way, the Republicans were in the majority in the Senate. President Bush, at this point in his second term, with a Republican majority in the Senate, had 10 judicial confirmations. So far in his second term, President Obama has had 26 judges confirmed—26, 26 to 10. Apples to apples: at this point in President Bush's term, with a Republican Senate; at this point in President Obama's term, with a Democratic Senate.

I would note that just yesterday the Senate approved two more judicial nominees. That leaves just five—just five—available to the full Senate to be confirmed. There are only five around

here. Think about that. Of the 77 Federal judicial vacancies, the President has not nominated anyone for most of them, and only 5 remain on the Senate's Executive Calendar. Moreover, only one of those nominees has been waiting more than a month to be considered.

So it is hard to see this as anything other than a manufactured crisis. There is no factual basis for it—a manufactured crisis. So the question is, a crisis to what end? Where does this lead us?

Well, one of the reasons the majority leader has refrained from changing the rules thus far is this: He fully understands—he fully understands—that majorities are fleeting, but changes to the rules are not, and breaking the rules to change the rules would fundamentally change the Senate.

Future majorities would be looking to this precedent. I do not know what the future holds, but 2 years from now I could be setting the agenda around here. Once deployed, the nuclear option may have fallout in future Congresses, actually forever altering the deliberative nature of the Senate, which has made it the institution where enduring compromises between the parties have been forged.

So it is time for sober consideration of the direction in which the Senate is being taken.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Tennessee.

FILIBUSTERS

Mr. ALEXANDER. Mr. President, for the last few weeks, I have been listening to the Republican leader ask the majority leader not to turn the Senate into a place where a majority of 51 can do anything it wants. I am on the Senate floor today to suggest three reasons why I believe the majority leader will not do that:

No. 1, he said he would not. Senators keep their word.

No. 2, in 2007, the majority leader said to do so would be the end of the Senate. There have not been many majority leaders in the history of the Senate. I know none of them want to have written on their tombstone: He presided over "the end of the Senate."