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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

Now unto You, O Heavenly Father, be all praise and glory, for You have filled our lives with wonderful blessings.

Give to our Senators the blessing of an inward calm that will enable them to thrive during days of gloom. Fill their minds with noble thoughts, energizing them to persevere in fulfilling Your purposes. May Your peace, passing understanding, dwell in their hearts and minds. With deliberate intentionality, help them to seek Your answers to our national problems.

We pray in Your mighty 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 27, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ 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 resume consideration of the immigration bill. The time until 11:30 will be equally divided between the two managers of the bill, Senators LEAHY and GRASSLEY. At 11:30 there will be three rollcall votes—one on confirmation of the Secretary of Transportation, Anthony Foxx; the next vote will be on adoption of the committee-reported substitute amendment; and then we will have cloture on the final bill, as amended, if amended. We hope to complete action on this immigration bill—I will talk about that in a minute.

Everyone knows we are poised to pass a historic immigration bill. It is landmark legislation that will secure our borders and help 11 million people get right with the law.

I have indicated that we have three votes this morning. We hope to be able to work something out so we can have a vote sometime late afternoon or evening. There is no reason, after these votes today, to delay this. If people want to delay it, they can, but it will point toward the inevitable, which will be about 6 o'clock tomorrow evening. We can either wrap this up today, have some final speeches, vote on it, or wait until tomorrow because during this 30 hours postcloture nothing can happen procedurally.

I once again applaud the Gang of 8 for their work, which is commendable and very important for this institution. Without their diligent efforts, we would never have been able to come this far.

I commend Chairman LEAHY for the work he did in the committee with the markup, which took place over many weeks. I commend him for his work on this bill as manager during the weeks it has been on the floor, and my friend CHARLES GRASSLEY. Senator GRASSLEY and I disagree on occasion about substantive issues but never on a personal issue. He is a very remarkably good Senator and a fine man. I have enjoyed my relationship with him all these many years.

Whenever the vote is scheduled, whether it is tomorrow or today, I am going to ask that Senators be seated for the vote. I have had a number of requests from Democrats and Republicans that we do this. They are absolutely right. This vote is important. No matter how you feel about the legislation, it is important enough that we should do that. When it comes time for the vote, whenever it is worked out, we are going to have Senators here on the floor. If not, I am going to have a live quorum to get everybody here. This is not a vote where people should be straggling in and raising their hands at the Chair. We should have this in an orderly fashion.

I repeat, whenever we are able to schedule this vote, we are going to have people here before the vote starts or we will have a live quorum and get some activity in the Senate so we can do that.

My friend the Republican leader is not here. I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

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



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S5315

Senate will resume consideration of S. 744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform, and for other purposes.

Pending:

Boxer/Landrieu amendment No. 1240, to require training for National Guard and Coast Guard officers and agents in training programs on border protection, immigration law enforcement, and how to address vulnerable populations, such as children and victims of crime.

Cruz amendment No. 1320, to replace title I of the bill with specific border security requirements, which shall be met before the Secretary of Homeland Security may process applications for registered immigrant status or blue card status and to avoid Department of Homeland Security budget reductions.

Leahy (for Reed) amendment No. 1224, to clarify the physical present requirements for merit-based immigrant visa applicants.

Reid amendment No. 1552 (to the language proposed to be stricken by the reported committee substitute amendment to the bill), to change the enactment date.

Reid amendment No. 1553 (to amendment No. 1552), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two managers or their designees, with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, at the outset of the debate we have been engaged in, I expressed my hope that we could do something about our Nation's broken immigration system. Millions of men and women are living among us without any documentation or certainty about what the future will bring for themselves or their families. Many of those who come here legally end up staying here illegally. We have no way of knowing who or where they are. And current law simply does not take into account the urgent needs of a modern rapidly changing economy.

Beyond all of this, it has long been a deep conviction of mine that from our earliest days as a people immigration has been a powerful force of renewal and national strength. Most of the people who have come here over the centuries have come as dreamers and risk-takers, looking for a chance for a better life for themselves and for their children.

I can think of no better example of this than my wife, who came here at age 8 in the cargo hull of a ship because her parents did not have the money for a plane ticket. When she entered the third grade at a public school in New York, she did not speak a word of English. Yet, in just a few short decades, she would be sworn in as a member of the President's Cabinet—an honor and an opportunity she could hardly have guessed at when she was just a little girl. This is the kind of story that has made this Nation what

it is. Legal immigration makes that possible.

So, yes, I had wanted very much to be able to support a reform to our Nation's immigration laws. I knew it would be tough, and the politics are not particularly easy either. But the fact is that our constituents did not send us here to name post offices and pass Mother's Day resolutions; they sent us here to tackle the hard stuff too.

Broad bipartisan majorities agree that our immigration system needs updating. In my view we had an obligation to our constituents at least to try to do it, to try to do it together and in the process show the world we can still solve national problems around here and reaffirm the vital role legal immigration has played in our history. So it is with a great deal of regret—for me, at least—that the final bill did not turn out to be something I can support. The reason is fairly simple. As I see it, this bill does not meet the threshold test for success that I outlined at the start of this debate. It just does not say—to me, at least—that we have learned the lessons of 1986 and that we will not find ourselves right back in the same situation we found ourselves in after that reform.

If you cannot be reasonably certain the border is secure as a condition of legalization, there is no way to be sure millions more will not follow the illegal immigrants who are already here. As others have rightly pointed out, you also cannot be sure that further Congresses will not just reverse whatever assurances we make today that border security will occur in the future. In other words, in the absence of a very firm results-based border security trigger, there is no way I can look at my constituents, look them in the eye and tell them that today's assurances will not become tomorrow's disappointments.

Since the bill before us does not include such a trigger, I will not be able to support it. It does not give any pleasure to say this or to vote against this bill. These are big problems. They need solving. I am deeply grateful to all the Members of my conference and their staffs who have devoted so much of their time and worked so hard over a period of many months to solve these problems. I am grateful to all of them.

While I will not be voting for this bill, I think it has to be said that there are real improvements in the bill. Current immigration policy, which prioritizes family-based immigration, has not changed in decades. This bill would take an important step toward the kind of skills-based immigration a growing economy requires. Through new and reformed visa programs, for instance, this bill would provide many of our most dynamic businesses with the opportunity to legally hire the workers they need to remain competitive and to expand. Some industries, such as construction, could and should have fared better, but on balance I

think the improvements to legal immigration contained in the bill are very much a step in the right direction.

We have learned an important lesson in this debate. One thing I am fairly certain about is that we will never resolve the immigration problem on a bipartisan basis either now or in the future until we can prove—prove—that the border is secure as a condition for legalization. This, to me, continues to be the biggest hurdle to reform. Frankly, I cannot understand why there is such resistance to it—almost entirely, of course, on the other side. It seems pretty obvious to me, and I suspect to most Americans, that the first part of immigration reform should be proof that the border is secure. It is simply common sense.

Hopefully, Democrats now realize that this is the one necessary ingredient for success and they will be a little more willing to accept it as a condition for legalization because until they do, I for one cannot be confident that we have solved the problem, and I know a lot of others will not be confident either.

So this bill may pass the Senate today but not with my vote. In its current form, it will not become law. But the good news is this: The path to success, the path to actually making a law is fairly clear at this point. Success on immigration reform runs through the border. Let me say that again. Success on immigration reform runs through the border. Looking ahead, I think it is safe to say that is where our focus should lie.

SENATE RULES

Mr. President, briefly on another matter, another day has passed and the majority leader has still not confirmed that he intends to keep his word, which was given back in January of this year, with regard to the rules of the Senate. To refresh the memory of my colleagues, we had a big discussion at the end of the year about the rules and procedures in the Senate on a bipartisan basis.

Out of those bipartisan discussions came two rules changes and two standing orders that were passed consistent with the current rules of the Senate. In the wake of that bipartisan agreement, the majority leader gave his word to the Senate that the issue of the rules under which we would operate this year was settled.

Regretfully, he continues to suggest to outside groups, and occasionally on the floor as well, that maybe he didn't mean that, and that if our behavior—meaning the minority's behavior—doesn't meet his standards, he is still open to breaking the rules of the Senate to change the rules of the Senate.

We all know how this would occur if it did occur. The Parliamentarian would advise the occupant of the chair the way to change the rules of the Senate is with 67 votes. The majority leader, under that scenario, would move to overrule the Chair and with 51 votes establish a new precedent that would turn the Senate into the House.

It has been suggested maybe that would only apply to nominations, but as Senator ALEXANDER and I pointed out last week, of course, that would not be the case. The next time the other side had a majority—my side—I would have a hard time arguing to my Members we should confine a 51-vote majority to simply nominations, and I would be under intense pressure to say: Why not legislation. Senator ALEXANDER and I laid out what some of the top priorities would be that he would recommend to me—and many of them I agree with—for an agenda I would be setting instead of the majority leader. These are things such as the national right-to-work, repealing ObamaCare, establishing Yucca Mountain, the national nuclear repository. One gets the drift. These are many things the current majority would find abhorrent.

I hope this crisis will be averted. All it requires from my friend the majority leader is simply an acknowledgment that he intends to keep his word.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

STUDENT LOAN RATES

Mr. REED. Mr. President, July 1 is less than 1 week away. We need to reassure students who will be taking out loans for school this fall that their interest rates will not double.

It is safe to say most of us on both sides of the aisle would want to see a long-term approach to setting student loan interest rates rather than a temporary extension of the current rate. We have been working, Senator HARKIN, Senator KING, Senator MANCHIN, Senator BURR, Senator COBURN, Senator WARREN, and many others about finding a way forward.

Unfortunately, all of the proposals that are on the table today would leave students worse off in the future, frankly, worse off than simply allowing the interest rate to double. There is a year or two, perhaps, where interest rates would stay below the rate of 6.8 percent. Then looking at rate trends, it looks quite convincing that these rates would surpass the current fixed rate and go higher.

We can not enact a long-term solution that is going to be bad for students. In fact, student groups and advocates have urged us to reject the so-called deals that are circling around with variable rates that are not capped that could lead to very high interest rates for students in a very short period of time.

One thing we have all been aware of for the last week or two is the dramatic movement of rates based on comments by the Federal Reserve with respect to their elimination of the quantitative easing program. The future looks as though we are going to see increased rates.

If we let them rise on students without any type of cap, I think we are going to, in a very short period of time,

regret that we didn't take more time—be more thorough, and look at not just issues of rate structure but also incentives to keep costs down in college, and at refinancing options, because it is a staggering debt load already on students. We haven't done any of this.

As a result, today, I introduce, along with many of my colleagues, the Keep Student Loans Affordable Act. I wish to thank Senators HAGAN, FRANKEN, WARREN, HARKIN, STABENOW, BOXER, and many other colleagues.

This legislation will simply extend the current rate at 3.4 percent, the rate we have today for need-based loans. These are the subsidized loans that go to low- and moderate income students. It would extend them for 1 more year so we do have the time, and let's say we should and must take the time to thoughtfully develop a long-term approach to the student loan program. It is not just coincidental that we must reauthorize the Higher Education Act this Congress. We can use this time properly to ensure that we do, in fact, have a comprehensive solution that will make students better off, not just in the next several months but in the long run.

Instead of charging low and moderate income students more for their student loans, our legislation would extend the 3.4-percent interest rate by closing a loophole in the tax laws, which allows fairly wealthy individuals to defer taxes on their IRA or 401(K) type accounts. This provision would save taxpayers \$4.6 billion over 10 years, which will more than cover the cost of extending the rate on subsidized student loans.

We are moving forward on a basis where we are not increasing the deficit. What we are doing is giving students another chance to maintain an appropriate loan level at 3.4 percent for an additional year. We have to take action to stop the interest rates from doubling.

Student loan debt is the next big financial crisis facing this country. We already understand from analysts that people in their twenties are putting off home purchases, automobile purchases, and are not doing what their parents' generation did because they have so much debt. They cannot move into the economy as their parents did. It is the second most outstanding household debt behind mortgage debt in the country. It surpassed credit card debt. It is affecting the trajectory of young people's lives.

Again, my generation thought by their late twenties they would own a home, in fact, perhaps moving on, fixing up, and looking at second homes. This has all changed.

Today students are caught between a rock and a hard place as they have all this debt they must carry forward.

The other thing that is so interesting is we are scrambling around here trying to figure out ways to deal with this issue. It turns out, in fact, the Congressional Budget Office has projected the

loan program is actually generating revenue more than \$50 billion this year and over \$180 billion between now and 2023. We are actually making money on these loans. Frankly, if we don't look at the program and fix it, the irony will be students will pay more and the government will take in profits. In the long run, I think we will be worse for it because we will be depriving a whole generation of the kind of education opportunity they need.

I think we have to do more. I introduced a long-term solution in April, the Responsible Student Loan Solutions Act, which will set student loans based on the actual cost of financing and administering the program. It will also protect students with a cap. I think that is essential. We have to understand the interest rates might rise to a point where we need to cap them to protect students. It would also allow refinancing, which is something that has not been seriously discussed. We frankly need more time to discuss that. We need the time; let's take the time.

I urge my colleagues to join me. Let's take up and pass the Keep Student Loans Affordable Act. Give students the chance to go to school this fall with a 3.4 percent subsidized interest rate. Give us not only the chance but give us the incentives and give us the marching orders to fix this problem comprehensively.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the bill before us, S. 744, 1,200 pages, is promoted with high ideals, but it does not do what is promises. It is fatally flawed. If passed, it will not work—not because of the goals it states to have but because it won't work.

This flawed bill did not come about because of inadvertent errors that were a part of it, chance, ignorance, or mistake. The policies reflected in this piece of legislation came about as a direct result of the fact that the forces that shaped it had goals that were important to them, but these goals are not coterminous with and are not in harmony with the interests of the Nation as a whole.

The real politique Gang that put it together seems fine with that. They openly reported for weeks that these interests were in meetings in some room in secret, working through this legislation and their differences. Soon, they said, the Gang of 8 would have a bill that, having been blessed by these powerful special interests they had invited to the meetings, would be delivered to the Senate floor, masters of the universe that they are, all for us to adopt without complaint and with celebration.

They were so proud of this process that the eight would stick together all for one and one for all and defeat any amendment that dared to alter the delicate agreement they talked about. They would consider amendments, of course, oh, certainly. We will consider