



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, TUESDAY, JULY 30, 2013

No. 111

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.

Sovereign Master of the Universe, Your kingdom cannot be shaken for You are King of kings and Lord of lords. We praise You that more things are wrought by prayer than this world can imagine.

Lord, thank You for inviting us to ask and receive, to seek and find, and to knock for doors to open. Forgive us when we have forfeited Your blessings because of our failure to ask. Forgive us also when we have lacked the humility to turn from evil, to seek Your face, and to pursue Your paths. May this prayer that opens today's session be a springboard for intercession throughout this day. Help our Senators to pause repeatedly during their challenging work to ask You for wisdom and guidance.

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 the remarks of Senator McCONNELL and me, the Senate will proceed to executive session to consider Calendar

No. 223, the nomination of Kent Yoshiho Hirozawa, of New York, to be a member of the National Labor Relations Board and immediately have a cloture vote on that nomination.

MEASURE PLACED ON THE CALENDAR—H.R. 2218

Mr. REID. I am told H.R. 2218 is at the desk and is due for a second reading.

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

The legislative clerk read as follows:

A bill (H.R. 2218) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

Mr. REID. I now object to any further proceedings at this time.

The PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Mr. President, for the first time in 3 years the Senate is poised to confirm members of the National Labor Relations Board. Although too few Americans are aware of the important job this Board does, the NLRB looks out for rights of millions of U.S. workers every day and remedies unfair practices by private companies. This Board is an important safeguard for workers in America, regardless of whether the employees are union or nonunion. Without the work of the NLRB, employees who have been cheated and treated unfairly would have no entity to address the wrongs. Union elections would be meaningless to employers and employees. Labor abuses and unfair employment practices could go unchallenged.

I am glad the Senate is moving forward as agreed under this process, set forth at the beginning of this Congress, to confirm five nominees to the NLRB, two Republicans and three Democrats.

The Senate will consider three Democratic nominees and two Republican nominees for the NLRB today. Once they are confirmed, the NLRB will have five Senate-confirmed members for the first time in a decade.

The five nominees are all eminently qualified.

For example, Mark Pearce has served on the National Labor Relations Board for 3 years, since 2010. He has served as chairman since 2011.

Mr. Pearce was a founding partner of a Buffalo, NY law firm, where he practiced employment law.

He previously worked in the Buffalo, NY regional office of the NLRB.

Mr. Pearce received his Bachelor's degree from Cornell University and his law degree from SUNY Buffalo.

Kent Hirozawa, whose nomination we will also consider today, is currently chief counsel for the National Labor Relations Board.

Before joining the NLRB staff in 2010, Mr. Hirozawa was a partner at a New York law firm, where he worked on Federal and State and labor and employment law.

Mr. Hirozawa also served as a field attorney for the NLRB from for 3 years prior to entering private practice.

He received a Bachelor's degree from Yale and his law degree from NYU.

Nancy Schiffer, the third Democratic NLRB nominee we will consider today, served as associate general counsel for the American Federation of Labor and Congress of Industrial Organizations.

She has also worked for the United Auto Workers and served as a staff attorney in the NLRB's Detroit regional office.

Ms. Schiffer received her Bachelor's from Michigan State University and her law degree from the University of Michigan.

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



Printed on recycled paper.

S6029

Once we vote on the 3 Democratic nominees, I expect we will consider the 2 Republican nominees by consent.

The first Republican nominee, Harry Johnson, is a partner at a Los Angeles law firm and practices labor and employment law.

Mr. Johnson received his Bachelor's degree from Johns Hopkins University and his law degree from Harvard.

The other Republican nominee, Philip Miscimarra, is a partner in a Chicago law firm, where he also practices labor and employment law.

Mr. Miscimarra received his Bachelor's degree from Duquesne University, and his M.B.A and J.D. from the University of Pennsylvania.

These nominees will be responsible for ensuring fair compensation and working conditions for American workers.

Look at the résumés of these people. They are pretty impressive.

They are experienced and dedicated public servants, and I have no doubt that they will perform their duties on this crucial board with distinction.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, today, the President will continue his campaign road tour in Chattanooga. We hear he plans to make an announcement about corporate taxes. And while I understand he is looking for headlines here, reports indicate that the policy he intends to announce doesn't exactly qualify as news. It is just a further-left version of a widely panned plan he already proposed 2 years ago—this time with extra goodies for tax-and-spend liberals.

The plan, which I just learned about last night, lacks meaningful bipartisan input, and the tax hike it includes is going to dampen any boost businesses might otherwise get to help our economy. In fact, it could actually hurt small businesses. And it represents an unmistakable signal that the President has literally backed away from his campaign-era promise to corporate America that tax reform would be revenue neutral to them.

Not only is this a rebuke to one of his party's most senior Senators—the Finance Committee Chairman—it also represents a serious blow to one of the best chances for true bipartisan action in Washington. I truly hope the President reconsiders this plan and consults with Congress before moving any further.

Two summers ago, Republicans and Democrats came together to agree on a set of spending caps for the following decade. President Obama agreed to it, as did the leaders of both parties in the Senate and the House.

It was essentially a promise made to the American people that Washington would reduce spending by \$2.1 trillion, and I was happy to help lead the effort.

Well, 2 years later Democrats are now trying to find ways to walk away from it.

They are pressing to abandon the 2011 agreement in favor of higher spending, as evidenced by appropriations bills like the one we're considering this week—which hikes up spending by double digits. And the President is now actually threatening to veto bills that live up to that commitment we all made.

Let me repeat that: The President of the United States who, during the campaign, took credit for the very savings Democrats now want to walk away from, is threatening to veto spending bills that would actually follow the law and live up to the commitment he himself signed.

This represents a stunning shift for Democrats, who just recently were warning against breaking the agreement. The Chairwoman of the Budget Committee said last year that we have to be able to count on agreements that have been made, instead of threatening a Government shutdown. Yet that is just what she and her party are now threatening to do—to shut down the Government unless an agreement we all made is torn up and thrown away.

So if Democrats want to shut down the Government because they can't wiggle their way out of a deal they agreed to, I guess there is not much we can do to stop them. But Republicans intend to stick by the commitments made to our constituents.

That said, there is also this to remember: Republicans have always said that there may be more effective ways to achieve comparable spending reductions. If Democrats want to propose smarter spending cuts that achieve the same kind of savings they committed to in 2011, we are ready to listen. Comprehensive Government spending reforms would be a good place to start.

Because Republicans understand that America's largest fiscal challenges stem from the fact that programs our fellow Americans hope to rely on in their most vulnerable years are going bankrupt. And Republicans are saying that the only way to avert the kind of panicked, poorly thought out spending cuts and tax increases we have seen in Europe is to implement forward-looking reforms today. That is why it is always so amusing when the President and his allies try to brand the kind of innovative government spending reforms we favor as "European-style austerity," as he implied again this weekend.

Nothing could be further from the truth. In fact, what the Europeans are doing in response to the threats from their creditors is essentially the opposite of the approach favored by Republicans. The type of long-term spending reforms we envision are often the only antidote against the kind of austerity we see in Europe. Because European austerity is not about protecting future generations from spending cuts, it is about staying afloat today. And the

tax increases Europeans enact under duress—and the kind of pain Detroiters experience under bankruptcy—these are exactly the things Republicans aim to avoid. And we aim to avoid those things by acting intelligently today, while we still have time.

Unlike Democrats, Republicans are not looking for some colorless discussion about raising taxes here or sniping there or moving numbers around on a budget chart. We would rather have a more holistic, forward-looking conversation, one about modernizing Government to meet the challenges of the 21st Century.

Where we ask questions like:

How do we modernize entitlement programs so they'll actually be accessible to Americans when they need them?

Which government programs should be reformed, updated, or no longer make sense in a 21st Century economy? How can services be delivered in the most efficient and technologically savvy way?

And what structural reforms can we implement to ensure the most robust economic growth and job creation for this generation and those to come?

By addressing the big questions now—by identifying and implementing forward-looking reforms today—we can do a lot more than just reduce the deficit in the short term. We can also create jobs now, grow the economy now, make Government work better now, and eliminate the threat of a debt crisis everyone knows is coming, a debt crisis that would usher in the very kind of European-style austerity Democrats claim not to like, but keep accelerating towards.

But in order for this to happen, Democrats need to work with us.

As a first step, they should step back from the brink with their plan to shut down the Government. And they need to stop threatening to tear up agreements we all previously assented to. The Budget Control Act might not be perfect, but at least we were able to secure important spending control for the American people. And if Democrats want to trade some savings for innovative reforms that can serve our country even better over the long term, then there are policymakers ready to talk.

But Republicans are not going to just give up on the commitments made to our constituents. Not only would that be a betrayal of a promise we all made, but we have already seen where the Democrats' left-leaning policies and European-inspired ideas lead.

More of that is the last thing our country needs right now.

RESERVATION OF LEADER TIME

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