



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, THURSDAY, OCTOBER 3, 2013

No. 135

Senate

The Senate met at 10:30 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.

Have mercy upon us, O God, and save us from the madness. We acknowledge our transgressions, our shortcomings, our smugness, our selfishness, and our pride. Create in us clean hearts, O God, and renew a right spirit within us. Deliver us from the hypocrisy of attempting to sound reasonable while being unreasonable. Remove the burdens of those who are the collateral damage of this government shutdown, transforming negatives into positives as You work for the good of those who love You.

We pray in Your merciful 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 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 Sen-

ator 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.

MEASURES READ THE SECOND TIME

The ACTING PRESIDENT pro tempore. Under the previous order, having received H.J. Res. 70, 71 and 73 from the House, the measures are considered to have received their second readings and objection to further proceedings is considered to have been heard for purposes of rule XIV.

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 2 p.m. this afternoon, with Senators permitted to speak for up to 10 minutes. The first hour will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority the second 30 minutes.

CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, yesterday I made the Speaker of the House of Representatives JOHN BOEHNER an offer I thought he could not refuse, but he did. House Republican leaders have demanded the Senate join them in a conference committee to work out budget differences. That seemed like a good idea to me. That is why Democrats yesterday asked consent to do exactly that, go to conference—on anything.

You want to talk about spending; you want to talk about health care; you want to talk about agriculture; you want to talk about the post office, it does not matter. We are happy to do so. Our agreement that we proposed to them: whatever you want to talk about.

So I formally offered that, first in a letter to the Speaker. I talked to him. Then I came to the floor here and reiterated the offer. My only condition: that the conferees negotiate in the light of day while the government is open for business. That did not seem too unreasonable.

To my surprise, the Speaker refused and the Senate Republicans objected. House Republicans truly do not know what they want. They cannot take yes for an answer. We have agreed to their budget number, which we thought should be higher. We agreed to that. They want to go to conference. We agreed to that. But they have had trouble agreeing to anything for quite some time now.

This spring, after years of Republicans loudly longing for a budget passed by the Senate, despite already having a budget with the force of law, we decided: Let's give them their way. We worked hard, led by Senator MURRAY, to have a budget that we completed after 5 o'clock in the morning.

We voted on over 100 amendments. Then Senate Democrats, following what they said—they, the Republicans said they wanted, regular order. They said: Let's go to conference to work out the differences. They passed their budget; we passed ours. Guess what. After all of this haranguing about having a budget and regular order, they decided they did not like that so well.

It was really very difficult to comprehend. When Republicans finally got what they said they wanted, it turned out they did not want it after all. Yesterday, the same story. Republicans asked to go to conference on a budget. Democrats agreed. Republicans objected. Those tactics truly are back to

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



Printed on recycled paper.

S7143

Orwellian. They believe that if you go east, you are really going west. If you are going north, you are really going south. You are not going down, you are going up. Whatever, obviously, they say does not really mean anything in reality.

But maybe they really do not know what they want. Maybe they do not have a game plan. It is becoming more apparent every day. One of the House Republican tea party leaders, a Congressman from Indiana by the name of STUTZMAN, admitted this to one of the Washington newspapers yesterday. Here is what he said. Listen to this:

We are not going to be disrespected. We have to get something out of this.

Now listen to this, the last phrase of his statement:

But I don't know what that is.

If there is any way I disrespected him, or we disrespected him, we do not want that to happen. We apologize. They want to get something out of this. Well, let's consider that. Except they do not know what they want. It is a little hard to make a deal there.

Republicans should come to their senses and realize there is more than wounded pride on the line. The longer this Republican government shutdown persists, the harder it will be on our economy. I hope they can figure out what it is they want, before the damage to the economic recovery is even more irreversible than they have already created.

It is obvious the strain of the self-inflicted shutdown is beginning to wear on many Republicans. Pick up the papers today. Listen to the news. There were reports of vicious infighting from yesterday's Republican caucus meeting. This is what one Republican said after the meeting:

It was very evident to everyone in the room that the junior Senator from Texas does not have a strategy. He never had a strategy and could never answer questions about what the end game was. Just like Stutzman from Indiana—that is the danger of following the tea party, because you are following and you are headed off the cliff. That is where we have been and that is where we already are, trying to get off the cliff that they put us over.

Tea party Republicans do not really want a way out of the government shutdown. I read here direct statements yesterday from one of their candidates—she is a Congressman. She ran for President. She said: Finally we've gotten what we want. We've shut down government.

So I think the statements I have made about their being anarchists are pretty valid. They are glad the government is shut down. They do not believe in government. A government shutdown is the end game for them, obviously. Tea party Republicans do not really want a way out of this government shutdown. They like it the way it is.

But in addition to the statement coming from the Republican Senate caucus, there are some rumblings over in the House. More than 20 reasonable Republicans in the House have said on

the record that they are ready to pass a way to fund this government right now.

I was not a math major—far from it. But I can count. If those 20 reasonable Republicans unite with 200 House Democrats, that is a majority in the House of Representatives. That would end the shutdown now. So I have a message for my mainstream Republican colleagues: If you ever hope to get out of this mess to end this Republican government shutdown, get rid of the tea party direction. Work with us. Help us reopen the government. We can start negotiations today.

As everyone knows, I think, I had a meeting with Leader MCCONNELL, Speaker BOEHNER, and Leader PELOSI last night at the White House. The Speaker said after the meeting—of course it was obvious during the meeting—the only thing that he cares about is ObamaCare. That is what this is all about. They do not care about anything else.

We know what this government shutdown has done to our country already. General Clapper, one of the leaders in our intelligence gathering information around the world, has stated that 72 percent of people who work in our intelligence agencies are home watching TV, reading a book. They are not at work, protecting us from the bad people around the world—and there are lots of them.

We have talked about our national parks here. It has really been bad for people coming to Nevada who want to recreate in our parks. But not only for them. It has hurt business in Nevada, as it has around the country.

NIH. We all understand how important it is that people who are sick and ill have the ability to have the best care in the world. If you are at the end of the line and you are fortunate enough to be able to say: Well, maybe there is still another chance; they are doing something back in Washington at one of the National Institutes of Health; maybe they can help.

Not now. They cannot do it now because of the Republicans.

The Centers for Disease Control is not a very glamorous sounding name, but that is what it is about, controlling disease. Most of them are furloughed. Senator HARKIN came on the floor yesterday and talked about a real serious problem. They could not figure out what it was. People were sick and dying. The Centers for Disease Control figured it out. It was because of pomegranate seeds coming from some other country. They work on these scourges every day because things come up that make people sick. We are in flu season now. They are not working on that.

The second in command in the House of Representatives, Congressman CANTOR, said yesterday: Well, that's okay. We know that there's a lot of problems around our country with the shutdown. But we are going to, one by one, reopen those agencies.

It is so obvious. It is so obvious. This is all directed toward President

Obama's signature legislation, ObamaCare. They want to piecemeal this and wind up trying to hurt ObamaCare. Even Dr. COBURN who is a medical doctor, never known for being a shrinking violet, has said: This is not the way to go. ObamaCare is funded, except for maybe 10 percent.

We are willing to sit down and talk about anything they want to talk about in conference. But the government has to open first. It is time for my Republican friends to defy their tea party overlords.

Every day that passes the idea of shutting down the government in order to repeal ObamaCare is becoming so transparent and so bad for the country. No one—I mean, it was not very popular for them to do it anyway. Every day that goes by it is less popular. Considering that only a handful of Americans supported the strategy, as I said, to begin with, it is a bad sign for them, the Republicans.

Millions of Americans have visited Federal marketplace exchanges over the last 3 days. The demand is so high that on some of the Web sites, they crash. This is not unprecedented. Google, when they first started, they experienced the same challenges. State-based exchanges have flourished virtually everywhere. Take, for example, my friend the Republican leader's State of Kentucky. More than 100,000 people have already visited the State's health care exchange and Web site. More than 10,000 people have filled out applications for health coverage, and more than 3,000 Kentucky families have already enrolled in new coverage. This shows the hunger the American people have to sign up for affordable health care.

We have had Republicans come here and say: Oh, it is so bad for the job market. Throughout the press today—and I will only pick a few of them—for example, one out of the New York Times. Speaker BOEHNER said it is job killing; TED CRUZ, it is hurting the American people; Senator MCCONNELL, it is a big reason we are turning into a nation of part-time workers.

I am not going to go through all the economists, but they all say the same thing—it doesn't hurt jobs at all. Mark Zandi, of Moody's Analytics—who, by the way, was JOHN MCCAIN's chief economic adviser when he ran for President—said: I don't see ObamaCare as impacting the job market. A man by the name of Gregory Mankiw, a Harvard economist who worked for President George W. Bush, when asked about how it affected the economy: Not a whole lot.

There are many more quotes, but we get the picture. When the history books are written—and they will be written—ObamaCare will be seen as the greatest single step since Medicare to provide fairness to all Americans. The more America learns about the affordable care provided in ObamaCare, the more they like it. And the Republicans

would be wise to abandon their impractical request to repeal it. It has been the law for 4 years.

RECOGNITION OF THE MINORITY LEADER

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

CONTINUING APPROPRIATIONS

Mr. MCCONNELL. Mr. President, I want to start this morning with a point that is obvious to me but I think bears repeating: Nobody wants the shutdown. Democrats say they do not want it; Republicans certainly don't want it. We all can agree on at least that. The question at this point is: How do we resolve the issues that truly divide us—that really divide us. The point I have been making all week is simply this: The only thing keeping the government from opening back up is the Democrats' refusal to apply a very simple principle of fairness when it comes to ObamaCare: Let's treat everybody the same. Let's treat everybody the same. Basically, all the House is asking for at this point—they wanted a lot more, but all they are asking for at this point—is a level playing field when it comes to ObamaCare. That is about the only thing standing in the way of the government's opening back up, and it is a pretty reasonable request. If Washington Democrats can't agree to that, then can they at least join us in making sure that veterans programs are funded; that the Honor Flight veterans can visit the World War II Memorial, and that the National Institutes of Health can continue its research? Can we at least agree on that? That is just the right thing to do.

Those issues respond directly to the concerns a number of our Democratic colleagues have raised and it is the same thing this Congress voted to do a couple of days ago with the brave men and women of our military. I hope my friends across the aisle will reflect on the efforts of Republicans in the House and allow the Senate to quickly vote on all the bills the House sent us last night so we can get the government reopened as soon as possible.

That said, yesterday's meeting at the White House, frankly, wasn't particularly encouraging. The President basically called us all down there to tell us he is not interested in negotiating. It was essentially a negotiation about not negotiating. Now we hear he is off campaigning today in Rockville rather than sitting down to get this thing solved, which is certainly disappointing.

But here is the good news. A solution isn't that far from reach. As I said, nobody wants a shutdown, so that is a good start. And it is hard to argue with what Republicans are asking for, especially after the embarrassing—embarrassing—rollout of the ObamaCare exchanges on Tuesday. I mean, one of the

folks the President had standing behind him at the White House tried to log on and sign up for ObamaCare, and after a couple of unsuccessful attempts, the Post reports she gave up—literally gave up. And here is the quote she gave afterwards: It is not so great.

Not so great? Some Americans might call that an understatement. You would think the administration would be begging for a delay after stories like that. So this should be easy. Congress gets treated the same way as everybody else on the ObamaCare exchanges and individuals get the same break the President already handed out to employers, the same break the President has already unilaterally given to employers. It is time for Democrats to start acting responsibly. It is time to work with us and find our way out of this mess.

RESERVATION OF LEADER TIME

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 for debate only until 2 p.m., with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The Republican whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be allowed to engage in a colloquy with the Republican leader, the Senator from Missouri, the Senator from Georgia, if he wishes to join, and the Senator from South Dakota during the 30 minutes allocated to our side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I came to the floor—and I am happy to do that—but I was told there would be a unanimous consent request. If that is not the case, Senators can go ahead and do their colloquy, and when they want to do that I will come back.

Mr. CORNYN. Mr. President, for the information of the majority leader, and anyone else who is interested, there will be some unanimous consent requests. We will frontload those so the majority leader doesn't have to stay on the floor more than maybe about 10 minutes, if that suits his schedule.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.
The Republican leader.

UNANIMOUS CONSENT REQUEST— H.J. RES. 72

Mr. MCCONNELL. Mr. President, many of us were stunned this week to

see the administration blocking the World War II Memorial. It was a reminder to all of us how much we owe the "greatest generation." Last week the Senate unanimously agreed to ensure our troops are paid during the shutdown, and the President correctly signed it into law immediately.

Today the House will pass a bill to ensure our veterans—in fact, they have done that—continue to get the services and benefits they so richly deserve. If Democrats are unwilling to fund other parts of the government, at the very least they can agree to support our veterans.

As the Senator from Texas and the majority leader were just discussing, I have the first of these unanimous consent requests to propound.

I ask unanimous consent that when the Senate receives H.J. Res. 72, making continuing appropriations for veterans' benefits for fiscal year 2014, the measure be read three times and passed, and the motion to reconsider be made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, my friend notes that no one wants to shut down the government. Obviously, he didn't listen to my statement. We have people who have been saying for days now—Republicans saying—they are glad the government has shut down; they have been waiting for this for years. I have quoted the Congresswoman from Minnesota who said that. Congressman MARLIN STUTZMAN of Indiana tells us where the tea party is when he said: "We're not going to be disrespected. We have to get something out of this. And I don't know what that even is."

So Republicans are throwing one crazy idea or another at the wall in the hope one will stick. They throw out one idea, then come up with another one. And then, I repeat, they hope something will stick on that wall, and they do not even know which wall they are throwing it on.

The latest plan came from the junior Senator from Texas, which is to cherry-pick parts of the government he likes. House Republican Leader CANTOR admitted this strategy. According to the New York Times, this is what he said when asked: What about those cancer patients who need some help; what about the disadvantaged kids who want to return to their Head Start classes?

That's coming as well. We are going to take every issue that has come up and put it on the floor.

He is following Senator CRUZ's idea specifically. Senator CRUZ is now joint Speaker. He lectures the House on occasion, as he does people over here.

We support veterans and parks and NIH and all these different elements of government that are closed, but we also are not going to choose between veterans, cancer research, disease control, highway safety, or the FBI, and we are not going to give a blank check