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Senate

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

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by our guest Chaplain, Father Patrick J. Conroy, who is the Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Loving God, we give You thanks for giving us another day. On this day, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of this Senate, who have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government.

May they be reminded always of who they are. May they be open to Your inspiration, that they might overcome the temptation to work through the issues of this day on their own strength and cleverness. Grant them wisdom, insight, and vision, that the work they do will be for the betterment of our Nation during a time of struggle for so many millions of Americans. May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now—a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory. 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.

COMPREHENSIVE VETERANS HEALTH AND BENEFITS AND MILITARY RETIREMENT PAY RESTORATION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 301.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 301 (S. 1982) a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 11:05 a.m., with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

At 11:05 a.m. the Senate will resume executive session to consider the nomination of James Moody to be a U.S. district judge for the Eastern District of Arkansas.

At 11:15 a.m. there will be five roll-call votes in order to confirm a number of district court nominations.

ORDER OF PROCEDURE

I ask unanimous consent that there be 2 minutes of debate equally divided between the two leaders or their designees between the votes in this series.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. REID. Mr. President, I would also note, these are 10-minute votes after the first one, and we are going to cut them off when the time is up. So if people are late, they are at their peril. We have a lot to do today, and we are

going to move along. It is not fair to Members to keep them waiting around while someone else is finishing a phone call.

Following the disposition of the nomination of Beth Freeman to be a U.S. district judge for the Northern District of California, the Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings.

ORDER OF PROCEDURE

I ask unanimous consent that when the Senate reconvenes at 2:15 p.m., there be an hour of debate equally divided and controlled between the two leaders or their designees prior to a cloture vote on the motion to proceed to S. 1982, the veterans' benefits bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTH CARE AND JOB TRAINING

Mr. REID. Mr. President, today the Senate will vote to advance bipartisan legislation that expands and improves the health care and job training available to our Nation's veterans.

I thank the Senator from Vermont, BERNARD SANDERS, for his leadership on this issue and for his dedication to America's service men and women.

The 19th century British statesman George Canning said: "When our perils are past, shall our gratitude sleep?"

"When our perils are past, shall our gratitude sleep?"

Although it is clear the world is still a very perilous place, the United States is finally winding down more than a decade of war in Afghanistan, and we are out of Iraq.

Mr. President, our gratitude shall not sleep. It is time to demonstrate 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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depth and breadth of our appreciation to the men and women who have kept this country safe in spite of the risk to their lives and the sacrifices required of their families.

I think of a young man from Hawthorne, NV, who enlisted right out of high school, who was 18 years old. He was in Afghanistan for a matter of days, and one of those explosive devices blew off his legs at the hips. I think of him and his parents. What a struggle. That is what this legislation is all about.

This bill would not only improve veterans' access to health care, it would extend job training programs for servicemembers reentering the civilian workforce. It would bolster benefits for surviving spouses and children. And it would make the Veterans' Administration more transparent and more efficient.

Senator SANDERS' legislation would allow the Veterans' Administration to open 27 new clinics and medical facilities in 18 States and Puerto Rico. These clinics will improve the quality of care and reduce travel time for our retired heroes, particularly for veterans who live in rural areas—as the young man I just talked about is from a very rural part of Nevada in Hawthorne.

This legislation would help the VA work to end the backlog of claims for benefits. Legislation contained in this package will also improve care and benefits for veterans who experienced sexual trauma while serving their country.

This measure also expands educational opportunities for recently separated veterans by securing in-State tuition rates for post-9/11 veterans at all public colleges and universities. And this measure renews the VOW to Hire Heroes Act, which has helped spur hiring of out-of-work servicemembers and has given more than 70,000 veterans access to job training.

Unfortunately, though, unemployment is still far too high among veterans transitioning back to the civilian workforce. Last year more than 700,000 men and women who served in the U.S. military were unemployed. This is simply unacceptable. No one who has fought for their country overseas should have to fight for a job here at home.

Instead, we should be helping veterans—especially those who have endured more than a decade of war—to continue to serve their country as productive citizens. That is why this legislation extends for 2 years a program that helps former servicemembers get the skills they need to compete in a civilian workforce.

This legislation has the support of virtually every veterans organization in this country—25 of them—including the American Legion and the Veterans of Foreign Wars.

The bill is fully paid for with the savings from winding down the two wars in Iraq and Afghanistan that so

strained our military and our financial resources for more than a decade. The Pentagon projects that war spending will go down as we continue to reduce the number of American troops in Afghanistan.

This legislation will lock in those savings, establishing caps on overseas war spending for the very first time. It is only fair that we use a small portion of those savings to invest in our returning veterans, who have given so much over the past 13 years to ensure our safety.

Even with the perils of the wars in Iraq and Afghanistan past for so many of our servicemembers, our gratitude shall not sleep. We owe it to our veterans to make the transition to peace a very productive time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

MEDICARE ADVANTAGE

Mr. MCCONNELL. Mr. President, late last week the Obama administration proposed yet another round of drastic cuts to a popular Medicare program used by millions—millions—of American seniors. Not surprisingly, they did it quietly, in the hopes that these latest cuts to Medicare Advantage would somehow get lost in what folks around here call the “Friday news dump.” But the American people are not easily fooled.

The far left has always hated Medicare Advantage. It is a program that offends them ideologically because it offers more market-based choices to seniors than traditional Medicare. But the left's prodding is not the only reason the Obama administration has already cut this successful program so deeply, and why now it plans to cut it even deeper.

The hundreds of billions of dollars' worth of cuts that Washington Democrats want to impose on Medicare Advantage—cuts that will cause millions of seniors to lose access to doctors and face higher premiums—are basically all to fund ObamaCare.

Some folks might describe this as “robbing Peter to pay Paul.” But I have a better analogy: It is like ripping parts off a Cadillac to patch up a Pinto. America's seniors actually understand this.

Our constituents like—they like—the choices Medicare Advantage offers. And they do not like ObamaCare. That is why seniors from all across Kentucky have written to protest this misguided policy.

Jack and Alda Rice from Fairdale wrote that Medicare Advantage has been there for them when they needed it, and that it is “tough for seniors to have to find new doctors, especially for those who live in rural areas. It means traveling greater distances and spending more on gas.”

“It is a sad thing,” they wrote, “when good doctors leave a plan because of funding cuts.”

Ronald and Linda Baynum from Edgewood wrote that they “[found] it

appalling” that money that was put away for senior citizens is now being used for things like ObamaCare. “It seems like most politicians are only working for themselves instead of the people,” they wrote.

Well, look, they have every right to be frustrated. I mean, why on Earth would we want to ruin one program that is helping people in order to fund another that is causing them so much pain? The question answers itself.

That is why I, along with Senators CORNYN, THUNE, BARRASSO, MORAN, and BLUNT sent a letter to the administration today—to express our deep concerns with these proposed cuts to Medicare Advantage and other proposals that would increase premiums, reduce choices, and cause America's seniors to lose access to the health plans they were promised they could keep. Our letter asks the administration to act within the bounds of the law to limit the negative impact these misguided policies would have on seniors.

It is notable that even some of our friends on the other side of the aisle seem to understand the pain all of this is causing. That is why 19—19—Senate Democrats recently signed a bipartisan letter with 21 Republicans that called on the administration to mitigate the impact of these cuts to Medicare Advantage. We appreciate Democratic support on any issue. It is good when they acknowledge the senselessness of cutting one successful program to fund a failed one, of cuts that will make it even harder for America's seniors to keep the benefits, plans, and doctors of their choice. But, frankly, it is hard to believe they are really being serious on this one. That is because nearly every one of these Senators voted for ObamaCare, the very law that imposed the same cuts they are now railing against. Nearly every single one of them voted later to keep these cuts in place.

Senator HATCH proposed an amendment that would have reversed ObamaCare's cuts to Medicare Advantage. It only failed because nearly every Democratic Senator voted against it. So Washington Democrats had their chance for a mulligan. They took a pass. They actually cannot have it both ways. Signing on to some letter will not absolve them of responsibility now. It will not erase the fact that even when they were given a second chance to help American's seniors, many voted a second time to take a whack at Medicare.

Let's not forget that these folks and their allies are basically the same ones—the very same ones—who promised up and down that Americans could keep their health care plans that they had and they liked, under ObamaCare—a promise that was voted the “Lie of the Year” in 2013. So Americans are not about to be taken in on the latest ObamaCare spin.

Let's be honest. The only realistic solution is to undo the damage altogether by starting over with real reform. That means replacing

ObamaCare and its more than \$700 billion in Medicare cuts—cuts imposed solely to fund ObamaCare—and replacing that with bipartisan reforms that can actually help struggling middle-class Americans.

I urge the Democrats to follow the lead of one prominent Senate Democrat who said just the other day he would vote tomorrow—vote tomorrow—to repeal ObamaCare. If he is serious about what he said, that means he is finally listening to the American people instead of the party bosses in Washington. If more of his colleagues on the other side of the aisle would only do the same, we could finally move forward with real patient-centered health reform; we could finally do away with the practice of raiding Medicare to fund ObamaCare; we could finally be done with the hurt this law is imposing on men and women all across our country—college graduates, moms, dads, small business women, constituents who struggle every day just to get by, and, of course, millions, literally millions of seniors. Republicans are on their side. We agree with them that ObamaCare is a law that just does not work, and we agree with them that now is not the time to impose higher costs and reduce choices for senior citizens, as the partisan ObamaCare law proposes.

I know the authors of this law may have had good intentions, but now is the time for them to admit past mistakes and to work with Republicans in a bipartisan fashion to remedy these errors before even more people get hurt by ObamaCare.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. 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 until 11:05 a.m., 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 majority controlling the first half.

The PRESIDING OFFICER. The Senator from Arkansas.

MOODY NOMINATION

Mr. PRYOR. Mr. President, I wish to speak about a friend of mine and a Presidential nominee to be on the Federal bench in Arkansas. I will take 3 to 5 minutes. I know there are others who want to speak.

Today I rise to support the nomination of Judge James Moody—whom in Arkansas we call Jay Moody—to be a Federal judge in the Eastern District of Arkansas. Jay has been a phenomenal

judge and lawyer for a long time in Arkansas.

One of the things this nomination illustrates to me and I think also brings home to people around the country is that this body should not play games with the third branch of government. We have our own issues. This body can be dysfunctional and highly partisan. Let's not export that to the judiciary. We have a fine man who has offered his services to be a Federal judge.

If you look at what I like to look at, Is he well qualified? Yes, absolutely. Everyone agrees on that. Can he be fair and impartial? That is what you want in a judge. The answer is yes, he can be very fair and impartial. He has demonstrated that as a member of the Arkansas bench for a long time now.

Also, especially in a district court position, does he have the right judicial temperament? I think every person who has ever dealt with Judge Jay Moody will say that he not only has the right temperament, but he meets and exceeds all of these criteria across the board. He is exactly the kind of judge we should all want.

In fact, there is no reason why Judge Moody was not confirmed back in December. He should have been. But for the wrangling here in the Senate, but for the problems we have had in the Senate in the last several months, he would be a Federal judge today, and he should be a Federal judge today. In fact, 2 weeks ago I came to the floor and asked for consent that we go ahead and just confirm him by unanimous consent, but that was not granted.

Since 2003 Jay Moody has served as a circuit judge—that is a trial court judge in Arkansas—for the Sixth Judicial District, which is the Little Rock area. He previously worked at the Wright, Lindsey & Jennings law firm, which is one of the most prestigious firms in the State. It is a very well-known law firm. It is highly professional, has a great reputation. He became a partner there in 1994, just a few years after he joined the firm. He also spent time as an adjunct professor at the University of Arkansas Bowen School of Law, where he earned his J.D. He is also a member of a number of different lawyer groups and associations—at least he was before he entered the bench.

I could spend 20 minutes talking about his qualifications, talking about what a fine nominee and fine selection Jay Moody is to be a district court judge in the Eastern District of Arkansas, but, honestly, this turns out to be a no-brainer, so I am not going to belabor his qualifications and why we should do this other than to say that I know I am tired—and I think people all over the country are also tired—of the gridlock here in Washington. They look at a State such as Arkansas where we have eight Federal district court judges and we have two vacancies. These vacancies should have been filled back in December. There is no reason why they should not. But they have

been working under 75 percent horsepower now for months. We could have fixed that back in December, but because of the wrangling here in the Senate and in Washington, that was not done.

Today is the day we can rectify that. Today is the day we can confirm Judge Moody to be on the Federal bench.

I think we can all be very proud of this nomination. Again, he is exactly what we would all want in a Federal judge. That is confirmed by talking to lawyers in Arkansas. It does not matter if you are a criminal or civil lawyer; it does not matter if you are a plaintiff's lawyer or a defense lawyer; everybody agrees he will be a great Federal judge.

One of his old law partners, the managing partner of Wright, Lindsey & Jennings, Ed Lowther, told me one time—I said: How is Jay Moody on the bench? Of course, we all knew him as a lawyer. How is he on the bench? He paid one of the best compliments a lawyer can pay to a judge. He said, "He gets his work done." Can we really ask for any more than that? He gets his work done. He takes care of it.

In fact, it is almost uncanny when you look at the very difficult, high-profile, complicated cases that come to the trial court level in Pulaski County Circuit Court. Again, that is our trial court there in Little Rock. Almost always, he is the one who ends up with the case. Not only do the lawyers love him and appreciate him, but also his colleagues obviously have a lot of respect, and they often hand off the more difficult cases to Judge Moody.

In fact, I heard a conversation here on the floor just 2 or 3 weeks ago. My colleague, Senator BOOZMAN of Arkansas, is supportive of this nominee and has been helping push this nominee through the process. He went to the Judiciary Committee—by the way, this nomination has come through the Judiciary Committee not once but twice. Senator BOOZMAN helped push him through the Judiciary Committee, helped get him to the floor, and has talked to his Republican colleagues. I overheard a conversation the other day where Senator BOOZMAN was talking to Leader MCCONNELL. JOHN BOOZMAN turned to Senator MCCONNELL and said, "Mitch, this guy is great." He said, "You could not have picked someone better had you picked him yourself." That is really Jay Moody in a nutshell.

With that, I would like to ask my colleagues to vote for this nomination today. I believe we will vote in about 30 to 45 minutes. I am not sure exactly what time we start. But I ask my colleagues to support this nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURPHY.). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.