



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, WEDNESDAY, MAY 21, 2014

No. 77

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Thank you, dear God, for the gift of this day and for the opportunity to serve both You and country. We are not worthy of the least of Your blessings, yet You give us the privilege of working to keep our Nation strong.

As our lawmakers this day seek to be responsible stewards of their high calling, make them salt and light to this generation. May, as salt, they help make our world safer and more palatable. May, as light, they eliminate the dark corridors of disunity and contention, replacing them with harmony and civility.

Our Father, this is the day that You have given us to seek to leave our world better than we found it. Use us as instruments of Your glory.

We pray in Your great 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, May 21, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

CHAPLAIN BARRY BLACK

Mr. REID. Mr. President, I have heard the good Chaplain talk about some of the things we should not do, and one of them is be envious. I try not to be, but I have to admit that every morning I hear his speech I am envious of his voice. I have what I have. It is not much in the way of a voice. Boy, it would be great if I could stand here and give that Dr. Barry Black voice, but I cannot do that. Even though I know it is not the right thing to do, I am still envious of his voice and I will always be.

JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 92, the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

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

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if any, the Senate will be

in a period of morning business until 12:15 today.

Because of a change in schedule, the Republicans will have their caucus today rather than yesterday as we normally do.

The time until 12:15 will be equally divided and controlled between the two leaders or their designees.

At 12:15 there will be a rollcall vote on the confirmation of the Fischer nomination to be a member of the Federal Reserve Board of Governors. I am happy we are going to get this good man confirmed, but, as I will talk about in a minute, this obstruction is unbelievable. Fischer is going to now be a member of the Federal Reserve Board. He also has been chosen to be the Vice Chair of the Federal Reserve Board.

Janet Yellen, the Chairman of the Federal Reserve Board, has called many of my colleagues saying: Why do we need another vote? I need him here. There are administrative duties—this is a huge organization—waiting to be done.

But we are going to have to go through the cloture process all over again on this man. What a waste of our time—our time—the people's time. Anyway, that is what we are going to do. We are going to vote to confirm him today and then come back at some later time and confirm him to be the Vice Chair. We could not confirm him as Vice Chair first because he is not a member of the Board.

Following that vote, the Senate will be in recess until 2 p.m. today, allowing for the Republican caucus meeting.

At 2:10 there will be up to five rollcall votes in relation to several nominations: cloture on the Barron nomination to be a circuit court judge for the First Circuit; confirmation of the Cook nomination as a member of the Privacy and Civil Liberty Oversight Board; confirmation of the Daly nomination to be U.S. attorney in Connecticut; confirmation of the Green nomination to

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



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be U.S. attorney for Louisiana; and confirmation of the Martinez nomination to be U.S. attorney in New Mexico.

MEASURE PLACED ON THE CALENDAR—S. 2363

I am told that S. 2363 is due for its second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2363) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. I would object to any further proceedings with respect to this bill at this time.

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

HARD WORKING SENATORS

Mr. REID. Mr. President, my good friend the Democratic whip, the assistant leader, is seated next to me. He and I came to Washington at the same time many years ago. Judging from what he does, I think he works very hard. The Presiding Officer served with us in the House of Representatives. It is a hard job, the jobs we have. We seek these jobs. They are the choice of our lives. It is an extreme honor to be a Member of the House of Representatives or the Senate, but we have traditionally worked very hard. I have seen it. Our families recognize how hard we work. It is not uncommon for us to wake up in the middle of the night: I should have done that. Then you write yourself a note. This has been going on since we have had a Senate, I am sure.

I have seen Members of Congress work themselves to exhaustion. But I confess, I have never seen some Senators—those Senators on the other side of the aisle—work so hard to do nothing, so little. My Republican colleagues have exerted so much effort to cause nothing to get done. They prefer it that way. They have broken their backs ensuring that nothing happens here on the Senate floor.

Last week was another example of the Democrats' fruitless hard work. The Republicans blocked debate on the bill that would reinstate important and expired tax provisions—tax cuts. This legislation extends tax cuts and helps American families and American businesses as they recover from the recession.

The bill they stopped last week extends current tax provisions that have bolstered students, teachers, workers and employers, American families and businesses, saving money and growing our economy.

Listen to this. Now the Republicans are against tax breaks. They have been against extended unemployment benefits in recent weeks. They have been against raising the minimum wage. They have been against pay equity. They deny climate change. Now they have added a new one to that. They are against tax cuts. It is hard to com-

prehend how hard they work to get nothing done.

Stunningly—listen to this one—stunningly, some of the very Republicans who helped craft the legislation that they killed helped filibuster the bill. The primary Republican who negotiated this, the ranking member of the Finance Committee, voted against his own bill. That is what I said. It is true. Republicans are voting against their own legislation again. For what? To stop President Obama from accomplishing anything. That is what they set out to do 5½ years ago. They have stuck to that, to the detriment of the American people.

We have a letter signed by 152 different organizations—152. That is pretty stunning. There are so many names on this, it takes three or four pages to get all of the names. I ask unanimous consent to have this list printed in the RECORD at the conclusion of my remarks. There are conservative organizations such as the U.S. Chamber of Commerce, the National Association of Manufacturers—two of the most conservative organizations in the world, certainly in our country, but they are joined by 150 others saying: We want tax breaks. Everybody in America wants them. Democrats want them. Independents want them. Republicans want them; that is, Republicans who are located everywhere except in the Congress of the United States.

Now we have a new one. The Republicans in Congress are against tax breaks. So what have they accomplished? Nothing but bringing anxiety to the American people, businesses, individuals, and certainly hurting our economy. They continue to obstruct. They have broken my legislative heart so many times.

Yesterday afternoon, in a couple of conversations here with the Republicans, they said they are going to try to do this. They are going to meet with their caucus today. Well, that caucus has ruined a lot of legislation. I hope the people I talked to are strong and emphatic in saying: It is not good for the country, and it is certainly not good for this body. We need to move forward and get certain things done, some things done.

So I hope that my legislative heart is not broken again, that I can respond to the people of Nevada that we are going to have a tax deduction and subsidies for transit. We have a lot of transit now. In the wisdom of the Congress, we created a tax break for those people who take the trains, subways, monorails, and buses.

The Presiding Officer has worked really his entire career to do something about the environment. That tax break I talked about is part of what the Presiding Officer has always advocated: Let's do what we can to get people off the highways to reduce pollution.

We have in this bill something for Nevada that gives—it is not for Nevada; it is for everybody—that sales tax is a deductible item.

We have not been able to bring up these tax breaks. There are many other things all across this country.

Tax cuts—that is what the Republicans have stopped. So I hope the few Republicans I talked to yesterday will be extremely strong in their caucus and say: This is the right thing for the country. We have done enough to try to embarrass the President. Let's try to do something that helps our people in all 50 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 20, 2014.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The undersigned organizations urge the U.S. Senate to pass the EXPIRE Act as soon as possible. The EXPIRE Act will extend the tax provisions that expired at the end of 2013. These tax provisions benefit a wide range of taxpayers, including associations, businesses, individuals, community development organizations and non-profit organizations and are important to U.S. jobs and the broader economy.

The lack of timely action to extend these provisions injects instability and uncertainty into the economy and weakens confidence in the employment marketplace. Moreover, the extension of the expired provisions should not be delayed until the end of the year since companies are making decisions right now related to taxes that will have an immediate impact on the economy.

We urge you to pass these important tax provisions as soon as possible.

Sincerely,

Advanced Biofuels Association (ABFA), Advanced Energy Economy, Advanced Ethanol Council (AEC), Aerospace Industries Association, Affordable Housing Tax Credit Coalition, Algae Biomass Organization, Alternative Simplified R&D Credit Coalition, American Apparel & Footwear Association, American Beverage Association, American Biogas Council, American Chemistry Council, American Coatings Association, American Council of Life Insurers, American Farm Bureau Federation, American Foundry Society, American Institute of Architects, American Iron and Steel Institute, American Wind Energy Association, Arizona Manufacturers Council, Arizona Technology Council.

Asphalt Roofing Manufacturers Association (ARMA), Associated Equipment Distributors, Association of Equipment Manufacturers (AEM), Austin Technology Council, Automation Alley, Biotechnology Industry Organization, BSA | The Software Alliance, Business Roundtable, California Manufacturers & Technology Association, California Taxpayers Association, California Wind Energy Association, Chesapeake Regional Tech Council, Colorado Cleantech Industries Association (CCIA), Colorado Technology Association, Composite Lumber Manufacturers Association (CLMA), Connecticut Technology Council, Council for Affordable and Rural Housing.

CSH (formerly Corporation for Supportive Housing), CTIA—The Wireless Association, Extruded Polystyrene Foam Association (XPSA), Feeding America, Fiber to the Home Council Americas, Financial Executives International, General Aviation Manufacturers Association, Geothermal Energy Association, Growth Energy, Housing Advisory Group, ICPI, the Interlocking Concrete Pavement Institute, Idaho Technology Council, Illinois Technology Association (ITA), INDA, Association of the Nonwoven Fabrics Industry, Independent Sector, Information Technology Industry Council (ITI), International

Franchise Association, International Sign Association, Interwest Energy Alliance, ISSA—the Worldwide Cleaning Industry Association.

ITTA—the Voice of Mid-Size Telecommunications Carriers, Kcnext—The Technology Council of Greater Kansas City, Land Trust Alliance, LIHTC Working Group, Local Initiatives Support Corporation (LISC), Massachusetts Housing Investment Corporation, Massachusetts Technology Leadership Council (MassTLC), Metals Service Center Institute, Metroplex Technology Business Council, Minnesota High Tech Association (MHTA), Motor & Equipment Manufacturers Association, National Air Transportation Association, National Association of Electrical Distributors, National Association of Home Builders, National Association of Manufacturers, National Association of State and Local Equity Funds (NASLEF), National Association of State Energy Officials, National Automatic Merchandising Association (NAMA).

National Automobile Dealers Association, National Biodiesel Board, National Business Aviation Association, National Cable & Telecommunication Association, National Council of State Housing Agencies, National Development Council, National Employment Opportunity Network, National Farmers Union, National Foreign Trade Council, National Housing and Rehabilitation Association.

National Housing Conference, National Housing Trust, National Hydropower Association, National Lime Association (NLA), National Marine Manufacturers Association, National Multi Housing Council, National Propane Gas Association, National Restaurant Association, National Retail Federation, National Rural Housing Coalition, National School Transportation Association, National Shooting Sports Foundation, National Tooling and Machining Association, Natural Resources Defense Council, New Jersey Technology Council, New Markets Tax Credit Coalition, New Mexico Technology Council, NMTC Working Group, North American Die Casting Association, North Carolina Technology Association, Northeast Ohio Software Association, Northeast Pennsylvania Manufacturers and Employers Association, Northern Virginia Technology Council (NVTC), NPES The Association for Suppliers of Printing, Publishing and Converting Technologies, Outdoor Power Equipment Institute, Pharmaceutical Research and Manufacturers of America, Pittsburgh Technology Council, Precision Machined Products Association.

Precision Metalforming Association, R&D Credit Coalition, Renewable Northwest, Research!America, Rhode Island Manufacturers Association, Roof Coatings Manufacturers Association (RCMA), Securities Industry and Financial Markets Association (SIFMA), Semiconductor Equipment & Materials International (SEMI), Semiconductor Industry Association, Silicon Valley Leadership Group, Silicon Valley Tax Directors Group, Software and Information Industry Association, Software Finance and Tax Executives Council, SPI: The Plastics Industry Trade Association, Tech Council of Maryland, TechAmerica, powered by CompTIA, TechMaine, TechNet, Technology Association of Georgia, Technology Association of Iowa.

Technology Association of Louisville Kentucky, Technology Association of Oregon, Telecommunications Industry Association, The National Pasta Association, The Plastic Pipe and Fittings Association, The State Chamber of Oklahoma, The Wind Coalition, U.S. Chamber of Commerce, Union of Concerned Scientists, United Motorcoach Association, United States Council for Inter-

national Business, United States Telecom Association, United Way Worldwide, Utah Technology Council, Volunteers of America, Washington Technology Industry Association (WTIA), West Virginia Manufacturers Association, Wisconsin Technology Council, Work Opportunity Tax Credit Coalition.

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 until 12:15 p.m., with the time equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The majority whip.

HEALTH CARE

Mr. DURBIN. Mr. President, yesterday I was visited by several hospitals from Chicago. Mount Sinai is an amazing hospital. It originally—you can tell by its name—was founded by Jewish families living in a section of Chicago. The families have moved on. The remaining population is largely African American and Hispanic. It is a very poor neighborhood. It is a violence-ridden neighborhood. But in an amazing show of magnanimity and charity, many of the Jewish families whose ancestors and predecessors predated them and founded this hospital continue to support Mount Sinai. It is a beacon of quality medical care in one of the toughest, meanest neighborhoods in that great city.

They came to speak yesterday, to meet with me. They just merged with another extraordinary hospital, Holy Cross Hospital in Marquette Park. I have a special affection for this hospital because for decades it was run by the Sisters of St. Casimir, a Lithuanian Catholic order of nuns who devoted their lives first to the Lithuanian population that lived in that neighborhood and then, after that population left, to those who came after them, many of them very poor people.

Mount Sinai and Holy Cross merged, and between the two of them, I can't think of better examples of hospitals with a mission to help the poorest people and to make certain they have care that all of us would like to have for our families. They came yesterday to talk to me about the Affordable Care Act.

There are so many speeches on the floor about the Affordable Care Act. Most of them from the other side of the aisle are entirely negative. But there are some things about the Affordable Care Act which were brought to my attention from these two intercity hospitals which I think we should all look at carefully.

First, they are telling me that at these hospitals more people are showing up and paying. In days gone by, many of those who came in for services

were charity cases. The cost of their service was passed on to everyone else. Now, under the Affordable Care Act, many of these lower-income families have health insurance for the first time in their lives.

I have met some of these families, and I know what it means to them. It was several years ago when I was approached by the chairman of the Cook County board, Toni Preckwinkle, the president, and we asked for a waiver from the Obama administration to enroll families in Cook County in the Medicaid portion of the Affordable Care Act before it actually went into effect.

We were given that waiver. We now have 100,000 individuals in Cook County—low-income individuals—who have Medicaid protection.

This Medicaid protection has allowed them to have quality health insurance for the first time in their lives, in many cases, and also it means when they present themselves for care in hospitals, they are paying. They are paying through the Medicaid program rather than coming in as charity cases.

What we are finding as well is that as more and more Americans have the option of health insurance through the Affordable Care Act, the percentage of Americans who are uninsured has gone down. The share of adults without health insurance declined to 13.4 percent last month from 15.6 percent just a few months before. It is an indication of more and more people in America having the peace of mind that comes with health insurance coverage.

I see the Senator from Kentucky is here, and I know he reserved the floor this morning, and I don't want to take his time.

I also want to make the point as well that as we are bringing in more cost savings in health care through the Affordable Care Act, we are seeing the overall increase in health care costs starting to decline and slow down. That is what we were shooting for—more and more accessibility in coverage, more affordability for those who have that coverage and the overall cost in health care systems starting to come down. It is an experiment which is starting to show good results.

Let me add that as proud as I am to have supported this law, it is not perfect. There are things we need to do to improve it and to refine it. We should do those on a bipartisan basis. That is what we are waiting for.

The House of Representatives has now voted—I believe the number is 50 times—to repeal the Affordable Care Act. I hope they have gotten it out of their system and now will sit down with us and work on a bipartisan basis to make it a better law. We can do that and we should do it together.

So I commend this effort to both sides of the aisle—in the Senate as well as in the House—and I hope that we can achieve something that will make a difference.