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Senate

The Senate met at 10 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.

O God, our shield, as we approach the Dr. Martin Luther King, Jr., holiday, we thank You for raising up leaders who appeal to the better angels within us. Use our lawmakers to lead the quest for justice to roll down like waters and righteousness like a mighty stream. As they lead our Nation, guide them around the obstacles that hinder their progress, uniting them for the common good of this great land. Lord, enable them to go from strength to strength as they fulfill Your purposes for their lives in this generation. May they stand for right and leave the consequences to You.

We pray in Your holy 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, January 16, 2014.

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.

RECOGNITION OF THE MAJORITY LEADER

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

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 294, the flood insurance legislation.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 294, S. 1926, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 and to reform the National Association of Registered Agents and Brokers, and for other purposes.

Mr. REID. Mr. President, on this issue alone we have been trying for months to move this vote. On our side we have heard constantly, persistently, and always from Senator LANDRIEU indicating how important this is to her State and to our country. So I would hope we can finally have a pathway forward on this today with a consent agreement.

It is my understanding Senator ISAKSON of Georgia is going to come to the floor soon and we will try to do that. I just want to alert everyone to the fact if that isn't going to work out, we are not going to delay this any more. We will file cloture and move on it when we get back from our next work period.

SCHEDULE

Following my remarks, Mr. President, and those of the Republican lead-

er, the Senate will resume consideration of the House message to accompany H.R. 3547, which is the legislative vehicle for the Omnibus appropriations bill.

The filing deadline for first-degree amendments to the House message is 1 p.m. today. Under the rule, the cloture vote on the motion to concur in the House message to accompany the omnibus will be an hour after we come in tomorrow morning. There have been requests by both Democrats and Republicans to move the vote forward, and if that is possible—I am happy to cooperate with all Senators, if the majority of the Senators would like to do this early—I will be happy to see if we can get a consent agreement to do that.

We are also working, as I have indicated, on the flood insurance bill and we will continue to work on that.

MEASURE PLACED ON THE CALENDAR—S. 1931

Mr. REID. Mr. President, S. 1931 is due for a second reading, I am told.

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

The legislative clerk read as follows:

A bill (S. 1931) to provide for the extension of certain unemployment benefits, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this legislation.

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

UNEMPLOYMENT INSURANCE BENEFITS

Mr. President, on this side of the aisle, we have not put to one side and forgotten about unemployment compensation extensions for 1.5 million desperate Americans. I wish to just spend a minute or two on this issue, but we have not forgotten this and I want to direct everyone's attention to an editorial in one of America's leading newspapers of today. Here is what it said.

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



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S383

Republican Senators are pulling out every fake excuse they can think of for filibustering an extension of jobless benefits for the long-term unemployed. . . . The majority leader, Harry Reid, was mean to us and wouldn't let us offer amendments, they say.

We have heard that a lot. I am really a mean person.

Democrats refused to pay for the benefits. It's President Obama's fault because people can't find work because he won't approve the Keystone XL oil pipeline.

The article goes on:

The truth is the Republican Party simply does not believe that job seekers who have been out of work for 6 months or longer deserve government assistance. The most hard-hearted believe cutting benefits will give people an incentive to get back to work. The most cynical are hoping for widespread misery, which they can pin on "Obama's economy" for political gain in the elections this fall. Whatever the reasons, nearly five million unemployed people will go without benefits by the end of 2014, unless the party backs down.

The most appalling demand from Republicans was that benefits be paid for with cuts to other programs.

That is certainly the truth. The article continues:

For example, Kelly Ayotte of New Hampshire proposed requiring that parents have a Social Security number to receive the child tax credit—a move that would eliminate an important anti-poverty measure for millions of children who are citizens though their parents are not.

We will have more to say about this. We are not going to leave this issue. This is a cutting-edge issue for the American people. Republicans outside Congress believe this is the right thing to do—the majority of Republicans.

HOUSE-PASSED OMNIBUS

The Senate today will consider the House-passed omnibus spending bill, an important bipartisan agreement that keeps our country on a responsible path while preventing another manufactured crisis—and we have had so many of those.

I cannot say enough about the work of the senior Senator from Maryland Ms. MIKULSKI. We came to the Senate together. She is someone who identifies with the people of Maryland as no one has ever identified with the people of Maryland, but in the process she also identifies with people around America. That is why she is revered in Maryland. She has been to Nevada, and we love her in Nevada also.

I don't know of anyone else who could have done what she did, working with the Republicans in the House. I admire her so very much, and I am very happy to have reached the point where we are today. After 3 years of damaging cuts to vital social programs, this bill finally increases investments in the middle class.

Is it perfect? Of course not. There is so much good to say about this bill. But Senator MIKULSKI, who represents the State where the headquarters of the National Institutes of Health resides, got an extra \$1 billion for them—more than they got last year. It is too bad the Republicans' cost-cutting

whacked them \$1½ billion in the year before, but what she did with the NIH is exemplary of what she has done to help America.

So enough about her, but she has done something no one else could do.

RECOGNITION OF THE MINORITY LEADER

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

FREE TRADE

Mr. MCCONNELL. Mr. President, yesterday, I said there were a number of things the President could announce in his North Carolina speech that would draw bipartisan support and actually boost the economy. One of the things I was particularly disappointed he didn't push—at least push harder—is trade.

As I said, this is one of the brightest areas of his economic agenda, but if we as a nation don't act quickly and decisively, the world is going to literally pass us right by. We are going to miss opportunities to benefit economically, to open foreign markets to American goods and to America's political and cultural influence.

When we look at the rest of the developed world, from Europe to Canada to Australia, they are practically falling all over themselves to negotiate more and better opportunities, while we basically have sat on our hands, a consequence of the President's inability to persuade his own party—his own party—to expand trade-related jobs.

So we need to catch up, but we can't do that without leadership from the President, the kind of leadership as we have seen in the Senate from the chairman of the Finance Committee, who himself obviously is a Democrat. He has been a tireless advocate for trade and for American agriculture. Yet with his retirement looming on the horizon, I am afraid there might not be many Democrats left in the Senate willing to help lead on this issue. That is why we need the President to be deeply involved. We need him to step up for American workers and increase exports by bringing his own party on board with a trade promotion bill that was introduced just last week.

The authority in that legislation is key to enabling the administration to conclude critical trade negotiations that hold incredible promise for American jobs and economic growth. With our economy in such dire straits these days, opening new opportunities for American goods through trade should be a real no-brainer. It is an issue that used to be fairly bipartisan around here, and it can be again, if the President is willing to lead. Millions of middle-class families and small businesses are counting on him to do just that.

So I look forward to him promoting the benefits of trade and the legislation I mentioned in his State of the Union Address. I hope we will hear about that. When he does so, Republicans will be right there with him to move the trade promotion bill through Congress in a bipartisan fashion.

EPA COAL REGS

Last week the Obama administration published a regulation that would effectively ban coal-fired powerplants from being built in the future.

The head of the EPA, who will be testifying on this regulation today, basically admitted as much herself when she called it "significant economic lift." She knows the technology this regulation requires is prohibitively expensive; that her own agency knows it is nowhere near—nowhere near—ready for adoption; that even some White House officials do not believe her plan is feasible, and that is the point. The point is to eliminate coal jobs in America.

That is why I wasn't surprised by emails that recently came to light—emails which appeared to show EPA officials colluding with extremist special interests in devising impossible-to-achieve regulations. The emails even referred to previously shuttered powerplants as "defeated," making the intent behind coal-related actions abundantly clear.

Here is the other thing. This new regulation is not even expected to reduce emissions in a meaningful way—not even expected to reduce emissions in a meaningful way. What it will do, however, is trigger a section of the law that would allow the administration to eventually shut down coal-fired plants that exist today.

In other words, it would allow the administration to achieve its true aim of eliminating coal jobs completely. For struggling middle-class families across eastern Kentucky, this is just the latest punch in the gut from Washington, from an administration whose own advisers seem to believe that "a war on coal is exactly what is needed," from one of the President's advisers.

Some call this regulation outrageous. Some say it is extremism at its worst. Here is what I call it. It is absolutely cruel because here is what is lost in this administration's crusade for ideological purity, in its crusade for approval of coastal editorials—human lives are affected, the lives of people I represent, folks who haven't done anything to deserve a war being declared on them.

These are the Kentuckians who just want to work, provide for their families, and deliver the type of low-cost energy that attracts more jobs to Kentucky. And coal is what allows so many of them to do all that. It provides well-paying jobs. And, as Jimmy Rose of Bell County, KY, who has now become a rather famous country singer, puts it in his hit song, "Coal Keeps the Lights On."

I remind my colleagues that coal does more than keep the lights on in Kentucky; it keeps the lights on here too, both figuratively and literally. From the anti-coal blogger tapping out a tweet to the EPA staffer cooking up a meal, millions of Americans rely on coal to power their homes and their offices. In recent years, coal has accounted for about 40 percent of the

electricity generated in our country. That compares to just 3.5 percent for sources such as wind and solar. So even if the administration were to achieve its dream of eliminating every last coal job, it is not as though they could just fire up a few windmills to cover the gap. It is going to take a very long time—decades—for alternative sources to even come close to providing the same level of jobs and energy as coal. In other words, the administration's ideological crusade doesn't even seem to have a logical end game. It is basically just ideology.

Here is the thing. Republicans agree that alternative and renewable energy sources are necessary for fuel diversity, but we believe wind and geothermal and solar should be part of an "all of the above" energy strategy which also includes coal and natural gas and the oil we can get right here in North America, with Americans providing the workforce.

Another key difference is this: Republicans look at Kentucky coal miners and see hard-working men and women, not obstacles to some leftwing fantasy. That is why I, along with 40 Republican cosponsors—including my friend and fellow Kentuckian RAND PAUL—intend to file a resolution of disapproval under the Congressional Review Act to ensure a vote to stop this devastating rule. We believe the EPA regulation in question clearly meets the definition for congressional review under this statute, and I am sending a letter to Comptroller General Dodaro outlining the reasons why that is the case.

If the majority leader were serious about helping Kentuckians, he would stop blocking the Senate from passing my Saving Coal Jobs Act. It is commonsense legislation that would give elected representatives of the people a greater say in how coal is regulated in this country. There is no reason for him to keep it bottled up a moment longer.

Look. Kentucky is facing a real crisis. The Obama administration appears to be sending signals that its latest regulation is actually just the beginning in a new, expanded front in its war on coal. Already the administration's regulations have played a significant role in causing coal jobs in my State to plummet. These are good jobs which pay more than \$1 billion in annual wages to my constituents. For every miner with a job, three more Kentuckians will hold a coal-dependent job as well.

The majority leader and his Democratic caucus now have a choice: Are they going to stand with the coal families under attack in places such as Kentucky and West Virginia and Colorado or are they going to continue to stand with the powerful leftwing special interests who want to see their jobs completely eliminated? That is the choice. It is pretty clear where I stand and where most of my colleagues on this side of the aisle stand.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SPACE LAUNCH LIABILITY INDEMNIFICATION EXTENSION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3547, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 3547, an act to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 2655, to change the enactment date.

Reid amendment No. 2656 (to amendment No. 2655), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Reid amendment No. 2657, to change the enactment date.

Reid amendment No. 2658 (to (the instructions) amendment No. 2657), of a perfecting nature.

Reid amendment No. 2659 (to amendment No. 2658), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor today as the chairperson of the Appropriations Committee—a committee I am honored to chair—to support the Consolidated Appropriations Act for fiscal year 2014. This bill passed the House on Wednesday with a stunning and amazing vote of 359 to 67. The purpose of this agreement is to fund the operation of the Federal Government for the remainder of fiscal year 2014.

The vote in the House, which I hope will be paralleled here in the Senate, shows what working together based on civility, listening to each other, being willing to compromise but not capitulate on principle, negotiating on what are the appropriate fiscal levels—this shows we can get the job done.

In today's era of shutdown, slowdown, slamdown politics, where negotiating occurs on cable TV rather than in committee rooms, we worked together. Setting aside partisan differences, working across the aisle and across the dome, we looked to find how we could put together a bill both sides of the aisle and both Houses could agree upon.

This is what the American people deserve: Us doing the business of the country, legislating in due diligence and regular order. They want a government that works as hard as they do, and working under a very stringent deadline, we were able to do this. After 3 years of damaging cuts that have hurt our efforts to help people, this agreement turns the corner.

We recognized that we needed to focus on growth in jobs and lower the

unemployment rate but not increase our debt or our deficit. We worked very hard to do that, to increase the kinds of public investments the American people would approve of—keep America strong, keep our economy strong—and to do the diligent work we need to do.

This bill is something called an omnibus bill which includes all 12 appropriations bills. That means we have 12 subcommittees—defense, health and human services, labor and education, energy, water, financial services—and each one has to do their funding work. Ordinarily, we would bring one bill up at a time, but that was not to be. So where we are is this is a consolidated bill of all 12.

We have been working on this since the President sent his budget to us this spring. We held over 50 hearings, listened, did due diligence, and marked up our bills. We were ready to come to the floor in the fall, but it was not to be. We had to wait for the Budget Committee to do its work to give us a top line so we could get to our bottom line.

On December 18, just before Christmas, Congress gave us that cap on discretionary spending. We knew what we wanted to spend, but, again, we know we have to be a more frugal government. We know we have to be smart not only about spending but about saving, getting rid of dated, duplicative, and dysfunctional programs, and we were able to do just that. On December 18 we were given a cap on discretionary spending of \$1.02 trillion. We met that cap. We worked nonstop over the holidays, resolving differences in both money and in certain policy areas.

What we do today is we come here with an agreement that is bipartisan. I emphasize that. The agreement is bipartisan. It is bicameral; that means both sides of the Capitol. It has also been one of compromise but not, on either side, capitulating on principle.

I am proud to say this agreement meets our national security needs and ensures the readiness of our troops and keeps us safe at home. It also meets the compelling human needs of our middle class and our most vulnerable. At the same time, it also invests in America's future by strengthening our physical infrastructure and also supporting research and development to save lives, spur growth and innovation and everything from lifesaving biosciences to aeronautics. And we want to make sure we are looking not only at jobs today but jobs tomorrow.

Before I give more detail about this agreement, I will highlight one of the reasons I am very proud of something we have done in this bill. Our legislation pending before the Senate restores the full cost-of-living adjustment for our working-age disabled military retirees and survivors of our departed servicemembers. Their COLAS were mistakenly reduced by 1 percent in the recent budget agreement. This agreement fixes that error.

I wish to make this note: It is limited in scope. It fixes the error for disabled