



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, THURSDAY, JUNE 26, 2014

No. 101

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

Lord of night and day to whose will all the stars are obedient, we submit to Your sovereignty and might. Remind our lawmakers that You are often closest to us when we feel far from You. Give our Senators confidence in the triumph of Your eternal purposes. May they strive each day to do something that will strengthen their hold upon the world unseen. Impart to them the wisdom to release Earth's fleeting things, as they seek to conform to the life of the world to come.

And, Lord, please bless our faithful Senate pages who will be leaving us soon.

We pray in Your sacred 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, June 26, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a

Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### BIPARTISAN SPORTSMEN'S ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 384, S. 2363, the Hagan Sportsmen's legislation.

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

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, 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 noon, with the time equally divided and controlled between the two leaders or their designees.

### ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the previous order with respect to the Krause nomination be modified so that the Senate will proceed to executive session at 11:45 a.m. and vote on the motion to invoke cloture on the Krause nomination, with all previous provisions remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. At 11:45 a.m., the Senate will vote on the nomination of Cheryl Ann Krause to be U.S. circuit judge,

and that will be a cloture vote. She has been nominated by the President for the Third Circuit.

At 1:45 p.m., we will confirm several additional nominations, but we expect to have only one rollcall vote at that time.

### MEASURE PLACED ON THE CALENDAR

Mr. REID. Mr. President, H.R. 3301, I am told, is due for a second reading; is that true?

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

The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 3301) to require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

Mr. REID. Mr. President, I object to any other proceedings at this time.

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

### IMMIGRATION REFORM

Mr. REID. Mr. President, the late comedian Leslie Nielsen said: "Doing nothing is very hard to do . . . you never know when you're finished." Perhaps that is the case with the Republican-controlled House of Representatives. They just don't know when to finish doing nothing on immigration reform.

Today marks the 365th day that the tea party-driven House of Representatives has sat on their hands refusing to fix our broken immigration system. The Senate was able to pass immigration reform 52 weeks ago because both Democrats and Republicans in the Senate understood the urgent need to amend our Nation's immigration laws. Yet for 12 months—52 weeks—radical Republicans in the House have refused to address the real issues affecting the

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



Printed on recycled paper.

S4095

American immigration system. Instead of obsessing over the President's deportation policies, they should pass this legislation. They have made it clear they will not act on immigration reform until they can trust the President—whatever that means—to enforce the law.

The bill that passed the Senate 52 weeks ago has the most stringent border security measures in the history of the world. What we have agreed to do with the border is unbelievable. So any complaint about border security is just not well taken.

It appears to me the Republicans want more deportations and more families torn apart. Do they also want more debt? Immigration reform will reduce the debt by \$1 trillion. Is the immigration platform by the extremists in the Republican Party to deport first and find solutions later or never? I guess that is what it is.

Recently, Republican Congressman DARRELL ISSA circulated a letter demanding that President Obama end a program that prevents young people with longstanding ties to America from being deported. He offers no plan to solve our Nation's immigration quandary or to keep families together—just more deportations.

There is not anyone who believes this country can fiscally or physically deport 11 million people. The bill Congress passed many years ago in 1985—I guess is when it was—didn't work. It allowed people to come here without proper documentation. We tried a program, and it simply hasn't worked—employer sanctions. It doesn't matter how we got to where we are; we have to change things. We must have comprehensive immigration reform. Again, Congressman ISSA offers no plan to solve our Nation's immigration quandary or keep families together—just more deportations. They are running out of excuses. Congressman ISSA and Republicans have gone so far as to turn a humanitarian crisis at our Nation's southern border into a political game.

The people coming from Central America to America are trying to escape a war-torn and poverty-ridden country. Yesterday, the Republicans reached a new low by accusing these kids—some of them 3 years old—of lying about the reason they have come to the United States. They are fleeing violence, extreme poverty, and they are coming because they are scared. They are afraid. These children are vulnerable and need to be reunited with their parents, and that is what we are trying to do.

Our Nation cannot deport our way out of this problem. Immigration reform is about families, and we are not the Republican-dominated House of Representatives. We, as a nation, value families and see the family structure as a cornerstone of our communities.

Undocumented immigrants, regardless of how they got here and why they lack the proper documentation, are our neighbors and our classmates. As I

have just explained, there are 11 million people, and they play a crucial part in our economy and the communities where they live. I don't know why the House Republicans don't realize that. If they did, they would be working to fix our immigration system.

Waiting 52 weeks? They have done nothing for 365 days. They claim to be working on jobs bills and legislation to reduce the debt. If that is the case, why don't they do something about raising the minimum wage? Why don't they do something about extended unemployment benefits? Why don't they do something about making it so my daughter, my wife, and daughters and wives and mothers all over America get paid for doing the same work men do? That would be good for the economy. How about student debt. Why don't they do something about the debt students have—\$1.3 trillion.

Yesterday or the day before Senator DURBIN spoke about a company that went bankrupt. They have one school in Nevada. It is a for-profit school that has been ripping off young men and women—some not so young—for years. Senator DURBIN said more than 90 percent of all the income that institution got came from Federal loans, and the default rate is extremely high. Why don't we do something about student debt?

The fact is the Senate-passed immigration bill reduces the deficit and spurs the economy more than all the House bills currently awaiting Senate action combined.

I urge my Republican friends and the Republican leadership in the House to stop doing nothing and bring immigration reform to a vote.

As the comedian said: "Doing nothing is very hard to do . . . you never know when you're finished." Maybe that is the problem with them. Perhaps now is the time for newly appointed House majority leader KEVIN MCCARTHY, who comes from Bakersfield, in the State of California, where comprehensive immigration reform is certainly necessary, to take a position on immigration reform. Will he bring the Senate-passed bill to a vote? If not, what does he propose?

Republicans in the House have a choice of allowing a vote on common-sense immigration reform in July or certainly be the ones to blame for not doing it. There is certainly a lot of blame to go around, and it is all focused in one direction.

The Republicans in the House have wasted enough time already. Bring this legislation before the House for a vote. It would pass overwhelmingly. I would bet we could get a majority of the Republican votes, and of course it would get 90 percent of the Democratic votes over there. It has enough bipartisan support to pass. So let it come up for consideration. This is a democracy. Let them have a vote. Americans want us to fix this Nation's broken immigration system. So let's do it and do it now.

#### RECOGNITION OF THE MINORITY LEADER

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

#### MIDDLE-CLASS JOBS

Mr. MCCONNELL. Yesterday I talked about how supposedly moderate Senate Democrats are supposedly incapable of advancing important policies they claim to support, policies such as approving the Keystone Pipeline. These Senate Democrats just can't stop talking about how much they love Keystone. Yet they will not stop enabling their own Democratic leadership to block approval of this shovel-ready, job-creation project. They have been doing so for years now. So it is hard to take what they say very seriously.

That is true when it comes to the Obama administration's war on coal jobs too. Some of our friends on the other side want their constituents to think they will stand up to this elitist war on middle-class jobs. These Senators want everyone to believe they are opposed to this administration's waves of job-killing energy regulations.

The truth is it is just the opposite. These Democratic Senators say they are ready to stand and fight, but when push comes to shove we can't find them anywhere. Instead, we continually see them supporting the majority leader and the Democratic Senate leadership that dutifully does the bidding of President Obama and the far left.

On this issue the Democratic leadership has gotten ever more extreme in its defense of the war-on-coal jobs. Multiple times I have tried to offer legislation that would ease the pain for Kentucky's coal families—hard-working Americans who just want to work and put food on the table.

I pushed for Senate approval of commonsense bills, such as the Saving Coal Jobs Act and the Coal Country Protection Act, but the majority leader blocks those efforts at every turn, and none of the so-called moderate Senate Democrats ever come to the floor to assist me in my efforts. Every time they choose to follow a party line instead—the party line of the majority leader they support.

The most troubling is the majority leader whom these Democrats support is so determined to stamp out opposition to the President's job-killing regulations he has taken to shutting down the legislative process altogether. His efforts have even begun to affect our committee work.

Case in point. Just last week Senate Democratic leadership pulled the Energy and Water appropriations bill from committee consideration because it feared a procoal jobs amendment I wanted to offer that might actually pass. We saw yet another example of that this week when Senate Democrats pulled the Financial Services appropriations bill from committee consideration for the same reason. The Senate Democratic leadership apparently doesn't want Members of the Senate, even in committee—even in committee—to have any real say in the

contours of the President's energy regulations—regulations that will affect millions of our constituents in profound ways.

Appropriations bills are exactly what the Senate should be voting on. Our constituents sent us here to debate big issues, to amend and improve policies that work, and to repeal the ones that don't. That is our job description. But the Democratic majority won't allow us to fulfill it.

The extremism here is really worrying. But the majority leader couldn't get away with it if the Democrats in his conference who claim to be "moderate" would actually stand up to him for once. The so-called moderates could stand up to him when he tries to shut down the legislative process, but they don't. The so-called moderates could stand up to him when he blocks every reform of the President's job-killing regulations or when he blocks every effort to approve the Keystone Pipeline, but they don't. They won't even stand up to President Obama when he jets off to speak to partisan groups and friendly audiences that rarely have the best interests of coal country at heart.

I know the President will also be trying out a new PR campaign today to see what life is really like for the middle class—for those beyond the White House gates. But he won't see the consequences of his EPA regulations at a political rally. He won't see what his IRS has done to grassroots organizations. He won't hear from the families of veterans who died while waiting for a bureaucrat to hand out a doctor appointment. And he won't see the damage ObamaCare has caused for working families.

Well, if he is actually serious about this initiative, then he will come to Kentucky to see the tragic effects of his policies firsthand. I invite him to visit with local coal families in my State and hear the other side of the story they won't hear from California billionaires. I invite him to meet with the veterans I hear from every day, and I invite him to meet with families such as the Whitehead family from Allen County, who write to me about the damage his ObamaCare law has already done to them. But I doubt he will, and I doubt the so-called moderate Senators will push him to do so anyway.

So perhaps it is time these Senators stop referring to themselves as moderate at all. If they are not willing to stand up to the majority leader or the President when it counts, then they are just another party-line Democrat. It is really too bad, because we Republicans on this side of the aisle want to come to bipartisan solutions on the issues affecting so many of our constituents. We want to pass common-sense energy legislation that can create well-paying jobs, increase North American energy independence, and lower utility prices for struggling middle class families. We want to give Congress a say on extreme policies from the administration that take aim at

middle class jobs in each of our States. But we can't do any of that without dance partners on the Democratic side. And there is hardly a true moderate in sight anymore. I can remember when we used to have moderates over on the Democratic side, but we can't find them today. It is a shame for our country.

I and my party are going to keep fighting for the middle class either way, even if we have to continue carrying on the battle for sensible, commonsense solutions all by ourselves.

Mr. President, I yield the floor.

#### 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 11:45 a.m., with the time equally divided and controlled between the two leaders or their designees, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

Mr. SANDERS. I thank the Chair.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 2548 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANDERS. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### KRAUSE NOMINATION

Mr. TOOMEY. Mr. President, I rise this morning to speak on the nomination of Cheryl Krause to serve as a judge on the Third Circuit Court of Appeals.

Cheryl Krause was nominated by the President on February 6, 2014.

I want to start with a few thank yous for where we are in this process. First, Chairman LEAHY and Ranking Member GRASSLEY. I appreciate their expediting the consideration of Cheryl Krause through committee. They moved that process along very quickly.

I thank Leader REID and Leader MCCONNELL for agreeing to bring Ms. Krause's nomination to the Senate floor so quickly. In fact, later this morning my understanding is we have a cloture vote on consideration of her nomination.

From my point of view, this is part of an ongoing effort I have with Senator CASEY, my colleague from Pennsylvania—a bipartisan collaboration to make sure we are filling vacancies as they occur, as quickly as we responsibly can, to make sure we have as close to a full complement of Federal judges as we possibly can.

So thus far, in the 3½ years I have been in the Senate, Senator CASEY and

I have worked closely, and we have had 10 people who have gone through the entire process—from the application process, the vetting process, the consideration, the recommendation by Senator CASEY and myself jointly to the White House, the nomination, and through the confirmation process—10 people who have successfully gone through that process already. There are four additional candidates, recently nominated by the President at the recommendation of Senator CASEY and myself, and I am very hopeful the Senate will confirm all four of them later this year.

We still have remaining vacancies, and we are working on filling those vacancies as well, but we are making progress, and it is in this spirit of bipartisan cooperation in filling vacancies on the Federal court that Senator CASEY and I are both enthusiastically supporting the nomination of Ms. Krause to the Third Circuit.

I certainly hope my colleagues on both sides of the aisle today will vote to support her confirmation.

Cheryl Krause is an extremely qualified individual. There is no question about that. She has a wealth of legal experience in both public service and in private practice. In fact, her background is so impressive that the ABA gave her a unanimous well-qualified rating.

She has excellent educational credentials. She earned her undergraduate degree from the University of Pennsylvania, where she graduated summa cum laude. She went on to Stanford Law School, where she graduated with highest honors. She clerked for Justice Kennedy on the U.S. Supreme Court.

She has been a U.S. attorney in the Southern District of New York, where she served for 5 years. She has taught at the University of Pennsylvania Law School. She is currently a partner at the law firm of Deckert LLP.

So she has a wealth of experience—it is relevant experience—and a terrific background. She has been both on the prosecution side and on the defense side, so she understands both perspectives, both of which need to be understood to have a properly balanced perspective on the court.

In addition to a very strong legal record, Cheryl Krause has demonstrated a commitment to serving her community. She served as counsel to the Philadelphia Board of Ethics. She has represented children with disabilities. She has led Deckert's partnership with Penn Law School in a project that supervises law students representing indigent defendants.

She comes from a family of public service. Her husband has a distinguished career in the United States military.

So, to conclude, I am confident Ms. Krause will serve as an excellent Federal appellate judge. She has the crucial qualities we look for in a candidate for such an important post: intelligence, integrity, experience, a