



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, MONDAY, JULY 7, 2014

No. 104

Senate

The Senate met at 2 p.m. and was called to order by the Honorable TIM KAINÉ, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Eternal God, the source and ground of all truth, give our Senators the grace of reflection that will unite the scattered forces of their souls. May life's frenetic pace not hinder them from thinking about its meaning and its end. Grant that Your truth will take root within their souls, providing them with wisdom to know when to abstain and when to persevere. As they read Your sacred Scriptures, may they feel the stirring of Your Holy Spirit.

Lord, bless all human hearts that today are lifted up to You. Accept their prayers and praise, as You guide them on the road that leads to eternal life.

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, July 7, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM KAINÉ, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. KAINÉ 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. I move to proceed to Calendar No. 384, S. 2363, the Hagan sportsmen's bill.

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

The 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 leader remarks, the Senate will be in a period of morning business until 5:30. Senators during that period of time will be permitted to speak for up to 10 minutes each.

At 5:30 we have two rollcall votes, the first on the confirmation of the Krause circuit court judge and the next will be on the motion to invoke cloture on the motion to proceed to S. 2363, the Hagan sportsmen's bill.

MEASURE PLACED ON THE CALENDAR—S. 2562

I am told S. 2562 is due for its second reading.

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

The legislative clerk read as follows:

A bill (S. 2562) to provide an incentive for businesses to bring back jobs to America.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

WASTING TIME

Mr. REID. Mr. President, a lot of people within the sound of my voice will

not understand what I speak about, which is having an emergency brake or a parking brake on a car. It used to be standard procedure. People would pull out the emergency brake, and 99 percent of the time people would remember to release it before they took off, but sometimes people would forget and that car would still go forward, but it didn't go forward very well. In fact, it would start smoking—"Oh, I forgot to turn that off."

So emergency brakes, what do they have to do with us in the Senate? What it has to do with us is that it appears the Republicans in the Senate have intentionally left on the emergency brake. For everything we try to do, it is similar to when we used to drive a car and have the emergency brake on. It doesn't move right. It moves very slowly.

Throughout President Obama's time in office, the Republican leadership in the Senate has done its best to keep the brakes engaged, slowing any effort to legislate on even the most bipartisan bills. We should be passing legislation that strengthens our economy and protects working families instead of wasting hundreds of hours—hundreds of hours—as we struggle to perform one of our most basic duties, confirming Presidential nominees.

Last year, in response to unprecedented—I repeat, unprecedented—Republican obstruction, the Senate was forced to change its rules to ensure that some of the President's nominees received the up-or-down vote they deserve. I am so happy that change was made. It has allowed the Senate to make substantial progress on one of its primary functions. Positions that were once vacant for months—even years—are now staffed with qualified and competent public servants.

In spite of our having changed the rules, the Republicans are still continuing to try to slow everything down.

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



Printed on recycled paper.

S4197

Again, the brakes are on, and they only have one reason I can come up with for doing this. It is not that they dislike the President's nominees; it is that they want to do everything they can to slow down his administration, to make him look bad and to make Senate Democrats look bad, because they believe that even though they are the cause of the obstruction everybody will say: The Democrats control the Senate, why aren't they doing more?

We can't do more because they have put on the brakes, even though we changed the rules and are moving through judges especially very quickly.

For the viewing audience, on a judge they can only stall for 1 hour, and they usually do. On circuit court judges they get 30 hours, and they take up all of those 30 hours, even though they wind up voting for the judge. On Cabinet nominations they get 30 hours. On subcabinet officers they get 8 hours. That is in the rules. We changed some of the rules, but we didn't change that. In hindsight—we will have to wait and see. If they are going to continue this, we will have to take another look at that. It is outrageous what they have done.

We have made substantial progress, as I have said, on one of our primary functions. The Senate is continuing its progress confirming these nominees in spite of the Republicans putting up roadblock after roadblock. Instead of seeing how their needless obstruction has hurt our country and working with us to confirm these vital nominations, the Republican leadership has responded with what can only be described as a temper tantrum, I guess. I don't know what else to call it. We have already established that they are trying to do it to make us look bad and the President look bad, but think what it is doing and what it has done to our country.

They are mad about a lot of things, I guess. The No. 1 thing they are mad about is Obama was reelected. Remember, Frank Luntz called a meeting here 3 days after Obama was first elected. He said: We have two things we are going to do—and all the Republican big shots were here—No. 1, we are going to make sure Obama isn't reelected. That was a flop. No. 2, we are going to oppose everything the President wants, and that is what they have done and continue to do.

I have said this before and I will say it again. The first Congress we had a lot of Democrats—58, 59, and for a short period of time we had 60—and we had some moderate Republicans with whom we could work, but they are gone except SUSAN COLLINS. They are gone. So even though that first Congress was extremely productive, the next two have been thwarted by the obstructionism we have encountered for everything we have tried to do.

The Republican leader is obviously now resorting to a tactic that I guess they decided to do in the Frank Luntz meeting; that is, just trying to run out

the clock. As in a football game, if there is only 1 minute left to go, they say let's just run out the clock or a basketball game or, as we saw over the last few weeks, a soccer game. Stall it. We are ahead. It is tied. That is where we need to stay.

They are just trying to run out the clock. Instead of killing time on the scoreboard, the Republican leader is using the cloture clock to kill the remaining 6 months of this Congress. They want just to go away, preventing nominees from getting confirmed and thwarting Democrats from passing legislation that is good for the middle class.

Would it be good for the middle class to raise the minimum wage? Of course. It would be great. Would it be good for the American public to have it so my daughter, for instance, if she does the same job your son does, that they get paid the same amount of money? They filibustered that. They stopped that. How about student loans? Student loans are the highest debt in America today—almost \$1.3 trillion—and we tried to remedy that, make it better for students and of course their families who are paying and have paid over the years for these large loans. Filibuster; extended unemployment benefits, filibuster.

So they are doing this to make the President look bad, make us look bad, but they are still running out the clock. That is what they are trying to do.

Again, so people understand, we get cloture with a simple majority. They can stall for many hours. As I said, circuit court judges get 30 hours, nominees for Cabinet posts get 30 hours, 8 hours for subcabinet, and only an hour on other judges. If we take a close look at how they have utilized the time we have wasted—let's say the last 2 months the Senate has been in session—Senate Republicans have forced us to waste almost 10 days, more than half the time we have been in session. They have wasted 236 hours in order to slow the confirmation of President Obama's nominations—236 hours. Of those 236 hours, Senate Republicans have used 5 hours to actually come to the Senate floor and debate the qualifications of these nominees. The rest of the time we sit, as the viewing public sees, in these quorum calls, where we do nothing. For every hour they have debated these nominations, the Senate Republicans have wasted 46 hours just killing time. Mr. President, 5 hours out of 236 hours is the time they have actually used.

To further highlight the absurdity of their obstruction, the Republicans have voted overwhelmingly to confirm most all of these same nominees they have obstructed and filibustered. So far this year Republicans have blocked immediate confirmation of 22 nominations they later voted unanimously to confirm.

Why are they blocking these nominations they all support? They just want

to slow things down. They want everybody to look bad. They know they are not in control—that is what the American public feels—even though they have all of these rules they force procedural gimmicks we have to work our way through. There is no other way to look at what Republicans are doing. This is obstruction for obstruction's sake. The Republican leader is desperate to keep this emergency brake on, hoping that by slowing down every Senate process imaginable, he can run out the remaining 6 months and damage Obama. The harm it does to our country, I guess, is not in their calculation. He is playing a very dangerous political game at the expense of this great country and of course the American taxpayer.

The Senate currently has a backlog of 131 nominees who have been languishing on the Senate calendar for an average of 281 days—281 days. It is particularly outrageous that they are stopping us from confirming non-controversial career Foreign Service officers and ambassadors.

What does this mean, a career Foreign Service officer? The Presiding Officer has been in government a number of years. He has been Governor of one of the larger populated States in the country. He has been in the U.S. Senate. The Presiding Officer has seen—I am convinced of this—young men and women who decide they want to go into the Foreign Service. They are the brightest of the brightest. They do extremely well in school. They have these tests they have to pass, written and oral. They speak and learn many different languages. They have been waiting their whole career to be named an ambassador. It is a huge thing. It is like being selected to go to the Super Bowl or to be on the Pro Bowl team. But when it comes time to get this position they have worked for for their whole career, they are being held up.

These are ambassadors to places that need American diplomats. You need a boss. Twenty, 25 percent of the ambassadorial spots in Africa they have blocked. These are not political nominees. Most of them are career nominees. They are Republicans and Democrats. When these ambassadors are chosen, they are not chosen based on their political party. They are chosen on merit. We have places such as Honduras, Qatar, Vietnam where we do not have ambassadors.

They are even blocking the Department of Defense, the Navy, the Air Force. They are at the mercy of the Republican leader's clock-killing obstruction. American interests abroad and the defense of our Nation are forced to take a back seat while Republican leadership hopes to make political gains by running out this clock.

So after having returned from the Fourth of July—this country's birthday—I urge Republicans to stop this needless obstruction. What is to be gained by needlessly grinding the Senate to a halt? The only thing I can see

is they think they are going to hurt President Obama, who they are so upset because he got reelected and reelected very easily.

I say to them, if you oppose a nominee, let's have a debate on the nomination and then vote. Do not delay a vote on a career Foreign Service officer who has worked his or her entire life to become an ambassador. Do not delay national security personnel who are needed to protect our Nation. Do not delay key staff people at the Cabinet level from doing their work for the American people.

I do not expect Republicans to give their unanimous consent to every nominee on the calendar. Rather, Senate Democrats are asking that Republicans legislate in good faith. Let's look at these. If there is something wrong with them, let's debate them. If nominees are deserving of their unanimous support—and most of them come out of the committees unanimously—why waste the Senate's time by blocking confirmation of these individuals? There is no reason for doing that.

We have so much to address over the coming weeks. We are going to vote on the sportsmen's bill tonight. We have the highway bill, the emergency supplemental, manufacturing legislation. We are going to do something about the Hobby Lobby legislation we need to correct. There is so much we have to do. We have terrorism insurance. We have to do that. The Export-Import Bank, we have to do that. But we are being stopped from doing all of that.

We have more than enough to keep us busy. That is an understatement. So what we are doing, instead of doing the things necessary for the American people, is we are being forced, because of the obstruction of the Republicans, to sit here and struggle through a few nominations that we can work out by spending 8 hours on this one, 4 hours on that one, 30 hours on this one. It is really unfair to the American people.

RESERVATION OF LEADER TIME

Mr. President, would the Chair announce the business of the day.

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 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, the crisis at our border continues unabated. It is a crisis that should never ever have occurred. It occurred as a direct result of the failure of the leadership of the United States, the clarity of our message, and our willingness to enforce simple, plain immigration laws.

Last week, we reached the point where the President of the United States—who is directly responsible for sending messages and effecting policies that encourage the flow of immigration to the United States, announced he would be asking Congress—us—to cooperate with him and provide him with \$2 billion in additional funds to deal with the humanitarian crisis—a crisis, as I indicated, that was produced as a result of his activities.

In the same breath at that moment when he asked for more money to take care of the crisis, he announced he will deliberately and openly go around the Congress of the United States and the Constitution and unilaterally change immigration law again through an executive policy.

The President said:

... today, I'm beginning a new effort to fix as much of our immigration system as I can on my own, without Congress. As a first step, I'm directing the Secretary of Homeland Security and the Attorney General [directing them] to move available and appropriate resources from our interior to the border.

He further said:

I have also directed Secretary Johnson and Attorney General Holder to identify additional actions my administration can take on our own, within my existing legal authorities, to do what Congress refuses to do and fix as much of our immigration system as we can. I expect their recommendations before the end of the summer and I intend to adopt those recommendations without further delay.

The problem is that we have laws. Congress has established laws. The President wanted to change those laws, and Congress made a decision. The decision was not to change those laws, and those laws remain in effect. As President of the United States of America, he has the highest duty to see that the laws of the United States are faithfully executed.

Remember now, the President is the chief law enforcement officer in America. The FBI answers to him, the Drug Enforcement Administration answers to him, the Department of Justice—he appoints the top officials, and they answer to him. So does Border Patrol, and so do Immigration and Customs Enforcement officers, immigration officers throughout, and the Secretary of Homeland Security. It is his administration, and he has used powers to go beyond—that I am aware of—what any President has used to basically declare: I will not enforce the laws passed by Congress. I am going to change those laws—I don't have to change them; I am just going to direct my officers not to carry them out, not to enforce them.

Another thing he said was that young people here would not be deported. He invited a number of them to the White House. As a result, the word got out in Central America particularly that if you come to the United States as a young person—a parent could bring them or brother and sister—and you get into the United States, you will not be deported; you will be allowed to stay, and you could get a permit—that is, you would be released on bail into some family member's custody and you could show up at some point in the future to have a hearing. I have heard it is maybe as many as 500 days before a hearing occurs. And who is going to go and look for these individuals when they don't show up for court, as is continuously happening in high numbers, not showing up for court?

So to me it is disturbing that we are in this situation. And make no mistake about it—\$2 billion is a lot of money. We work hard around here to try to pay for things we need to by saving money here and saving money there, and now the President just sends over a message: I am going to demand \$2 billion.

We have to take care of the children. We can't leave them in a circumstance where they are not fed or taken care of or in a safe condition. I guess we will have to find some money to do that. But the question is, How did it happen? Why did it happen? And \$2 billion is more than the general fund budget of the State of Alabama, which is where I am from. An extra \$2 billion is a lot of money—extra money this year. Why? Because in 2011 we had 6,000 unaccompanied children apprehended at the border, and this year we are projected to have 90,000. That is why the President says we need \$2 billion more—because the message got out, the word got out: You can come to America and, as a young person, you won't be deported.

In fact—and Congress doesn't know it fully at this point, but, in fact, that is true. Young people coming to America unlawfully from Central and South America, other than Mexico, are being allowed to stay, and it encourages more.

We have to have a lawful system of immigration, a system that serves the national interests. A lawful system means one that is carried out effectively and efficiently. It is wrong and it is immoral to create a system in which there is no law, where laws are violated willy-nilly and nothing is ever done about it. That is not healthy at all for any nation, and I would submit clearly that any nation must maintain the integrity of its borders. Failing to do so undermines the very sovereignty of that nation. No nation in the world that I am aware of maintains open borders. If you are not going to maintain open borders, then you have to set up standards for application and admission, and then if you establish those standards, you have to carry them out fairly and objectively.