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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 31, 2014, at 3 p.m.

Senate

THURSDAY, JANUARY 30, 2014

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal Spirit, we don't know all that this day holds, but we know that You hold this day in Your sovereign hands. Lord, we praise You, that even though we only have a feeble hold on You, You have a mighty grasp on us.

Guide our lawmakers across their toiling hours, illuminating their moments with the light of Your wisdom. Lord, empower them to live with integrity and wisdom amid the corruption that seeks to keep them from glorifying You. May they be unafraid to contend steadfastly for truth, as You give them the ability to see it. Use their labors to hasten the day when justice and understanding will encompass our world.

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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 30, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

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

PROPOSED IRS REGULATIONS

Mr. MCCONNELL. Mr. President, earlier this week President Obama explained to the American people what he hopes to accomplish in the year

ahead, and I think it is safe to say that despite the hype, there was not a whole lot in this year's State of the Union that would do much to alleviate the concerns and anxieties of most Americans. There was not anything in there that would really address the kind of dramatic wage stagnation we have seen over the past several years among the middle class or the increasingly difficult situation people find themselves in trying to find stable, good-paying jobs. There was no creative proposal for increasing mobility or opportunity for folks who need it most.

Even more remarkable, the President completely ignored the serious hardship that folks in Kentucky and just about everywhere else in the country are dealing with right now as a result of his health care law. He just blew right past it like it was not even happening.

There are serious issues that demand a serious response, and if for some reason the President doesn't want to face up to them or offer meaningful solutions, Republicans certainly will. We have a lot of creative ideas on our side that speak to the day-to-day concerns of middle-class Americans. In the months ahead we will keep talking about them. In fact, just this morning the House Republican leadership reached out to the President in an effort to solicit his help in encouraging the Democratic leadership in the Senate to take up House-passed bills that do the types of things the President said the other night he supports. Maybe that would be a good use of the President's phone and his pen.

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



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This morning I would like to take a moment to address something else the President did not address on Tuesday but that his administration is already quietly planning to do in the months ahead. I am referring to the administration's radical new proposal to codify the same kind of targeting of grassroots groups that an independent inspector general determined that the IRS engaged in in the run up to the 2012 election. I realize it just doesn't seem possible to a lot of people that the Obama administration would even think of touching an issue this radioactive after last year's scandal, but those who think that underestimate the extent to which this administration and its allies are willing to go to keep those who disagree with them from speaking out or participating in the political process. They underestimate the extent to which they are willing to go to hold onto power, and they forget how speech is usually stifled.

James Madison once wrote:

I believe there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations.

That was James Madison, and that is what is going on. The fact is that right now the Obama administration is getting ready to codify the same kind of intimidation and harassment of its political opponents that stunned the Nation last year, and hardly anybody is talking about it—certainly not the President on Tuesday night. It is time we start talking about it because what the administration is planning is nothing less than declaring a war, not just on its opponents but on free speech itself.

Here is their plan. The administration proposes to redefine political activity so broadly that grassroots groups all across the country that exist for the sole purpose of speaking out on issues of liberty or limited government or free enterprise or anything else that the administration doesn't want to hear about will be forced to literally shut down. Just by speaking out on these issues of broad public concern, they would be ruled out of bounds under new IRS rules—just in time, by the way, for the midterm elections.

If you think this kind of speech is precisely what the First Amendment was written to protect, you would be entirely right. This is exactly what the First Amendment was about. So this is a hugely important issue, and that is why groups all across the political spectrum and the folks who support them are increasingly concerned.

As usual, the folks who are pushing this new assault on speech tell us that it is some kind of good-government proposal that increases transparency, but the truth is that the only transparency here is the administration's thuggish attempt to shut down its critics. It is really incredible, when you think about it. Democrats think that 2014 is shaping up to be a tough year

for them politically. So instead of trying to persuade the public that they have the best answers to the problems we face, they try to shut everything else out of the political process. They try to shut them up, and they have no problem using the powers of the government itself to do it—less than a year after presiding over one of the biggest abuses of government power in the modern memory. The arrogance here is literally breathtaking.

But we have seen this kind of thing again and again from our liberal friends over the years. They just cannot accept a public that disagrees with their plans for the country. They just cannot seem to accept a society in which “we, the people,” establish the rules—not them. Whether it is the fairness doctrine or the DISCLOSE Act, they want those who disagree with them to sit down and shut up. Their view is you can fight for your ideals, you can speak out, but only if you agree with me. If you are on the other side, you don't have a right to speak out; not only that, but I am going to put you out of business. I am going to use the IRS—for goodness sake, the IRS—to identify anybody who disagrees with me and shut them up. I am doing it through regulation because I cannot pass it through legislation.

This is just one way the President plans to go around the people's elected representatives this year and every American needs to know about this abuse of power. Let me be clear. What the administration is proposing poses a grave threat to the ability of ordinary Americans to freely participate in the democratic process. Rather than reform the IRS and root out any hint of corruption or targeting of political opponents, they are now proposing to codify it. Fearful of losing the Senate, they have decided to double down. Instead of getting the IRS out of the business of policing speech, they want to make it the final arbiter of political speech.

Some may ask, why is the IRS, an agency whose purpose is to collect taxes, even involved in muzzling speech? How did that happen?

That is a very good question. It should not be. The administration needs to start explaining to the American people why it is engaging in this abuse of power, especially after last year. The administration may believe the smoke has cleared, but I do not believe the American people see it that way at all. I think that if the American people knew what the administration was really up to, they would react with the same kind of outrage they did last year about the targeting of conservatives by the IRS, and that is why the new IRS commissioner has a simple choice.

We have a new IRS commissioner over there. He has a simple choice. He can either restore the public's trust in an agency whose reputation was already in doubt or he can allow himself to be used as a political pawn by an ad-

ministration that now seems willing to do anything to keep those it disagrees with from fully exercising their constitutionally protected right to free speech.

After recent scandals the IRS should not be getting more involved in what people can and cannot say but less involved. Commissioner Koskinen must take a stand against this kind of thuggery and make it clear to a nervous public that his agency will not engage in any more government-sanctioned crackdowns on speech.

You know, the President made what I think was a pretty revealing comment in a recent interview when he talked about his inability to break through with certain Republicans. Rather than concede that they may have a different world view or that they disagree with his approach to the issues of the day, the President blamed FOX News and Rush Limbaugh of somehow convincing folks that he is something he is not.

I think a far more likely explanation is that the President does stuff like this. I think a more likely explanation is that in the sixth year of his Presidency he would rather blow kisses to his liberal base than work with Republicans to create jobs and increase opportunity and prosperity for the millions of Americans who are really struggling out there. Rather than let people from one end of the political spectrum to the other duke it out through robust public debate, he wants to use the IRS to drive conservatives right off the playing field. That is a better explanation for why ordinary conservatives across the country are not buying the idea that you are some kind of pragmatic problem solver, instead of a liberal ideologue who seems more interested in shutting down your critics than working with us in facing the Nation's most urgent problems.

Just 3 months ago the President sought to unite the country around the argument that as Americans we never give up. What I am saying this morning is that even as he is saying that, he is also busy kicking the ladder out from under anybody who disagrees with him. That is just what this new IRS proposal does, and Republicans plan to fight it every step of the way.

Mr. President, I say to my friend the majority leader, who deferred to me this morning, that I have two more statements. I am sorry to detain him.

Mr. REID. No problem.

REMEMBERING STAFF SERGEANT RYAN D. AUSTIN

Mr. MCCONNELL. Mr. President, it is my sad duty to report to my colleagues on a young Kentuckian who has been lost while serving his country. SSgt Ryan D. Austin of the U.S. Air Force passed away on August 6, 2013, in Maidstone, in the United Kingdom. He had been stationed at Ramstein Air Base in Germany, and he was 25 years old.

For his service in uniform, Staff Sergeant Austin received several medals,