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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Eternal God, ultimate judge of us all, provide for the needs of our lawmakers from Your boundless resources. Lead them along paths that will bring glory and honor to Your Name as You surround them with the shield of Your divine favor. Lord, intervene in their lives to keep them from becoming weary in choosing the harder right and lead them in the way everlasting. Keep our Senators from presuming that You are automatically on their side. Instead, let them earnestly seek to be on Your side. Enable them to find unity with each other because of their connection with You.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 1

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk which is due for a second reading.

The 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. 1) to approve the Keystone XL Pipeline.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the time between 2:15 p.m. and 3:15 p.m. be controlled by Senator HOEVEN and the time from 3:15 p.m. to 4:15 p.m. be controlled by the Democratic leader or his designee.

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

SCHEDULE

Mr. MCCONNELL. This morning the Senate will be in a period of morning business while we continue to organize for the new Congress. We will need to pass a resolution making committee appointments later today so they can begin their work on the Keystone Pipeline bill and other important priorities.

As we announced last month, the bipartisan keystone energy bill will be on the floor and it will be open for amendment next week. The House is also sending over a reauthorization of the Terrorism Risk Insurance Program today, and we will need to take action on that quickly as well.

OPENING THE 114TH SENATE

Mr. MCCONNELL. Yesterday we inaugurated the 114th Senate of the Congress. We welcomed back many dedicated Members and swore in many new ones. I have high hopes for our new colleagues. They share the resolve of my

conference to restore the Senate to a place of high purpose, and they are determined to make a positive difference in the lives of the people who sent them.

The men and women we have just sworn in have inaugurated one significant change already; that is, the majority we seated yesterday. I look to this new beginning with optimism and a profound sense of purpose, and I look to my colleagues with gratitude for their trust. Next to serving the people of Kentucky, this is the highest of honors. I recognize the serious expectations of the American people and I know they are counting on us—and I do mean all of us—every single Member of this body.

We are in a moment of great anxiety as a nation. The people we represent have lost faith in their government. They no longer trust Washington to do the right thing. Many face the reality of losing health plans after being told otherwise. Many struggle with rising medical costs after Washington officials repeatedly said they would be lowered. Confidence in the American dream has plunged. Anxiety about the type of country we leave to the next generation is widespread. For many it has never seemed more difficult just to get by.

When Americans look overseas they see a world filled with chaos: instability roiling the Middle East, terrorists pressing an aggressive agenda, and autocrats scoffing at a superpower that doesn't seem to have a real plan.

At home they see a government that is either uninterested in or incapable of addressing their concerns, a government that seems to be working for itself instead of them. Whether it is Washington's dysfunction or a bureaucracy that has grown so Byzantine and unaccountable, it tried to muzzle political opponents and ignore the needs of veterans.

The American people have simply had enough, and this past November

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



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they had their say. The message they sent was clear. If voters hit the brakes 4 years ago, this time they have spun the wheel. They said they want the administration to change course and move to the middle. They said they want Congress to send legislation to the President that addresses their concerns. This November the American people didn't ask for a government that tries to do everything and fails, and they didn't demand a government that aims to do nothing and succeeds. They asked simply for a government that works.

They want a government of the 21st century, one that functions with efficiency and accountability, competence and purpose. They want a Washington that is more interested in modernizing and streamlining government than adding more layers to it, and they want more jobs, more opportunity for the middle class, and more flexibility in a complex age with complex demands.

That is why we plan to pursue commonsense jobs ideas, including those with bipartisan support: measures such as reforming a broken tax system to make it simpler and friendlier to job creation, opening more markets to American-made products so we can create more jobs at home, and moving forward with bipartisan infrastructure projects such as the Keystone XL Pipeline.

Americans are challenging this Congress and this President to work for them. They are challenging lawmakers in Washington to work for jobs for Americans, not just jobs for themselves. It seems simple enough. But in the end, in the era of divided government control, we are going to have to work hard to meet expectations and we are going to have to work together.

Step No. 1 is getting Congress functioning again. That means fixing the Senate. Last session the House sent over countless commonsense bipartisan bills. Too many of them died right here without so much as a hearing, and Senators from both parties with ideas for jobs and growth were routinely stopped.

So it is time to change the business model. We need to return to regular order. We need to get committees working again. We need to recommit to a rational, functioning appropriations process. We need to open the legislative process in a way that allows more amendments from both sides.

Sometimes it is going to mean actually working late, but restoring the Senate is the right and practical thing to do because we are only going to pass meaningful legislation if Members of both parties are given a stake in the outcome. That is the genius of regular order. That is the genius of the Senate.

I am reminded of this every time I walk into my office. On the wall are portraits of John Sherman Cooper, a Republican, and Alben Barkley, a Democrat. Keeping watch from below is a bust of Henry Clay. Each of these Sen-

ators—each of these Kentuckians—came from a different political party. Each viewed the world through a different ideological lens, but all of them believed in the Senate and all of them left behind important lessons for today: Clay, about putting country first and pursuing principled compromises; Cooper, about choosing when to make a stand and making it; and Barkley, about having the courage to think differently from a President of the same political party he had served dutifully for years.

These lessons echo into the present and they help point the way toward a better functioning government. A Senate and a Congress that function again will help move us past an era of government by crisis. It doesn't mean everything will be perfect, it doesn't mean we will never come up against a deadline, and it doesn't mean we will always agree, but together we can commit to changing the way Washington operates. This can be done. It can be done.

This Senate has seemed imperfect at moments, but it has been proven to be a place of high purpose at many other times, a place where our country has come together to confront great challenges and advance solutions that once seemed completely out of reach. That is the Senate I saw when I saw Senator Cooper whip votes for the Civil Rights Act many believed would never pass, that is the Senate I saw when President Reagan worked with Democratic leaders to pass major reforms to taxes and Social Security, and that is the Senate I saw when a Republican Congress worked with President Clinton to pass historic welfare reform.

The promise of the Senate is real. Time and time again it has been an engine for bipartisan achievement to which both parties can assume either credit or blame, and that is how we should view it today.

So, yes, the American people elected divided government, but that doesn't mean they don't want us to accomplish anything. If there is a will to do so, we can come together to achieve great things. If President Obama is interested in a historic achievement of his own, this can be his time as well.

The President has already indicated a willingness to work with us on trade and infrastructure and comprehensive tax reform. These efforts are going to require a lot of work. Navigating the political pitfalls will not be easy, but passing these types of measures will represent a win for the American people—wins we could all be proud of. The truth is we could work for bigger things too. We could work together to save and strengthen Medicare, to protect Social Security for future generations, to balance the budget and put our growing national debt on a path to elimination. But bipartisan reform can only be achieved if President Obama is interested in it. The President is the only one who can bring his party on board. He is the only one, obviously,

who can sign something that Congress sends him. I assure you, threatening to veto a jobs and infrastructure bill within minutes of a new Congress taking the oath of office—a bill with strong bipartisan support—is anything but productive.

I appreciate that bipartisan compromise may not come easily for the President—not his first inclination. The President's supporters are pressing for militancy, not compromise. They are demanding the comforts of purity over the duties of progress.

From DC to Montpelier, they see the limits of an exhausted 20th century mindset asserting itself, even when nearly every lever of power has been in hand. Across the Atlantic, they see the Sun setting on the social democratic idea. They see the tragic legacies of welfare states—empty promises and fear of the future. It is understandable why the President's supporters might want to retreat to past comforts, but now is the time to accept reality. Now is the time to actually move forward.

Americans know that democracy is not about what you can get away with, it is about what you can achieve together. Many in this body, on both sides of the aisle, understand that. I have talked to many colleagues on the other side of the aisle who understand this fully.

We are calling on the President to ignore the voices of reaction and to join us. Whatever he decides, though, this Congress is going to function again. Let's pass legislation that focuses on jobs and the real concerns of the middle class.

After so many years of sluggish growth, we are finally starting to see some economic data that can provide a glimmer of hope. The uptick appears to coincide with the biggest political change of the Obama administration's long tenure in Washington—the expectation of a new Republican Congress. This is precisely the time to advance a positive, progrowth agenda.

Some of the measures the new Congress will pass may seem significant; others may seem modest. That is OK. As we have seen in recent years, a bigger bill does not always mean a better bill.

While we are always going to search for areas where we can agree, the President may not be enamored of every bill we pass, and that is OK too. It is not our job to protect the President from good ideas. A little creative tension between the Executive and the legislature can be pretty healthy in a democracy such as ours. Presidents and Congresses have disagreed before. They have confronted challenges that eclipse the ones we see today. What is important to remember is that the Senate has always endured—always. We have a duty to restore it now so we can meet the mandate of the people who sent us here.

Former majority leader Howard Baker once noted that making the Senate work is like “trying to make 99

independent souls act in concert under rules that encourage polite anarchy." Yet he also reminded us that "it doesn't take Clays and Websters and Calhouns to make the Senate work." It simply takes men and women of honor working in a spirit of good faith.

It may be difficult, but it has been done before and it can be done again, and if we are going to get there, it helps to recall in whose footsteps we walk today. This is the same Chamber where Dirksen and Mansfield allied for historic progress. This is where Byrd drew from antiquity to rouse colleagues to present challenges and where in later years he would critique successors on the finer points of procedure. This is where Mitchell honed the skills he needed to help bring warring communities together, enemies who responded to critics not just with floor speeches or press conferences but actually live ammunition. This is where Dole shared war stories with Inouye, and with a fateful tap on the shoulder, he would partner with Moynihan in their effort to reform Social Security.

The names of many Senators who came before us are etched into the desks we sit at today. The men and women who precede us include future Presidents and Vice Presidents. They include former athletes, veterans, and astronauts. We have forgotten some, we remember others, but their legacies live on.

Here is how Senator Claude Pepper put it:

The Senate is inefficient, unwieldy [and] inconsistent; it has foibles, its vanities, its members who are great . . . and those who think they are great. But like democracy . . . it is strong . . . it has survived many changes, it has saved the country [from] many catastrophes, [and] it is a safeguard against any form of tyranny.

In the last analysis, Pepper noted, the Senate "is probably the price we in America have to pay for liberty." For everything Senator Pepper and I may not have agreed on, we certainly agreed on that.

In the same way, each of us here may not agree on every issue. We may be Republican, we may be Democrat, but we are all Americans. We each have a responsibility to make the Senate function, and we each have a duty to work for the people who sent us here in serious times to get serious results.

Let's restore the Senate we love. Let's look for areas of agreement when we can. Above all, let's make Washington work again for the people we serve.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Illinois is recognized.

PRESERVING THE SENATE

Mr. DURBIN. Mr. President, before I read a statement into the RECORD

which was written by the minority leader, Senator REID, I have to say that the Senators who serve on the Democratic side of the aisle are committed to the traditions, precedents, and the rules of the Senate. We, of course, will work to preserve this great institution and protect our own individual rights and responsibilities in the Senate.

I welcome what Senator McCONNELL, our new majority leader, has envisioned as a more active floor in the Senate where we do not run into lengthy and repeated filibusters but bring amendments to the floor, debate them, vote on them, and ultimately pass legislation. That is the procedure of the Senate which historically had been honored but fell, sadly, into disrepair over the last several years.

Although we hope our minority status in the Senate is short-lived, I think we will establish that the Democrats are a much better minority when it comes to the Senate than perhaps those on the other side of the aisle, but only time will tell.

NEW CONGRESS

Mr. DURBIN. I have the opening remarks from the Democratic leader, HARRY REID, which I wish to read into the RECORD.

Senator REID states:

As some already know, I had a mishap in my home last week while exercising. As a result, I sustained several broken bones in my face and ribs. As bad as that sounds, I am doing well and recovering quickly.

I regret I am not on the Senate floor to make these remarks in person, but my doctors have urged caution and ordered me to stay home while I recuperate.

I thank my friend, the Assistant Democratic Leader, for delivering my remarks today.

A Greek philosopher once wrote: "There is nothing permanent except change." Our nation's elections prove that theory every two years. This is one of those times of change—for the Senate and for our country.

The desks in this Chamber have been rearranged, committee assignments adjusted, and a new majority assumes control for the next two years. Or in other words, it's just another Wednesday in January at the start of a new Congress.

For all of the changes, our duties as United States Senators remain the same: We are here to help working Americans and ensure our government has all it needs to serve the people.

In spite of almost no Republican cooperation over the last six years, we've made significant strides in many regards. The new Majority Leader claims the Senate hasn't achieved, in his words, "squat" in recent years. The numbers, however, tell a different story. Today the U.S. unemployment rate stands at 5.8 percent. Over the last six years the American economy has added 10 million jobs. The stock market has reached all-time highs. Our nation's manufacturers are thriving. The American automobile industry was brought back from the brink of collapse in spite of Republican opposition. And let's not forget that there are more than 10 million Americans newly insured with health care coverage.

While some here in Washington may see that as "squat," the economic recovery has been very real to American families. I know

how important it has been to working Nevadans.

And while we worked to improve the economy without Republicans' help, we also worked to fulfill our constitutional obligation to offer advice and consent on Presidential nominations.

Just last Congress we confirmed 132 judges—the most since the Carter Administration. Overall, we confirmed 611 of the President's nominees last Congress in spite of Republican opposition. As we speak, we have an Attorney General and a Secretary of Defense waiting to be confirmed. I remind everyone that last Congress the Republicans mounted an unprecedented filibuster for a nominee for Secretary of Defense [a former Republican Senator].

I challenge my friend, the Majority Leader, to change course and work with Senate Democrats in confirming the President's nominees in the 114th Congress. Working together, we can easily meet and surpass last Congress's benchmark of 611 confirmations.

My Republican colleagues, and especially the Majority Leader, should also know that Senate Democrats are especially eager to continue to help American families.

Working together, we can send meaningful, bipartisan legislation to the President for his signature.

The mistakes of the past, the gratuitous obstruction and wanton filibustering will not be a hallmark of the Democratic minority in the 114th Congress. The filibuster is an indispensable tool of the minority, but Republicans' abuse of it last Congress has come to epitomize the gridlock here in the United States Capitol.

To be clear, I have no intention of just rolling over. I can't. Not when the middle class is teetering on the verge of extinction.

Any attempt to erode protections for working American families—the dismantling of Dodd-Frank, the weakening of net neutrality rules, or the Republicans' never-ending quest to repeal the Affordable Care Act, known as ObamaCare—will be met with swift and unified Democratic opposition.

But we'd rather legislate together. And there's plenty of common ground for bipartisan compromise if Republicans are willing.

That is the end of the statement from Senator REID.

TERRORIST ATTACK

Mr. DURBIN. Mr. President, throughout the history of the United States of America, we have had a remarkable alliance with the nation of France. It bears remembering and repeating that the French stood by our side when America was fighting for its independence from Great Britain. The French were honored in many ways for that alliance and help, including, as I recall, a portrait of the Marquis de Lafayette which hangs in the U.S. House of Representatives to this day.

That was not the only time by any means that the French have stood with us and we have stood by their side. It happened during World War I, World War II, and many times after that. Through the NATO alliance and in many other ways, we have worked with the people of France for common goals and common purpose, and that is why we were so saddened this morning to learn of the news that was reported by the Tribune: