United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, THURSDAY, JULY 18, 2013 No. 103

Senate

The Senate met at 9:30 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. Gracious God, thank You for the love You give us each day. Great and holy is Your Name. Infuse our lawmakers with a spirit of humility that will empower them to do Your will. Lord, help them to embrace Your desire to bring healing to our world. Challenge the best in them so they will give You their supreme allegiance and love. Enable them to fill swift hours with meaningful and faithful deeds, to think clearly, to act kindly, and to make a better world.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 2013.

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 Senator 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.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 99, which is the Transportation appropriations bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 99, S. 1243, making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be an hour of morning business, with the majority controlling the first half and the Republicans the final half.

Following morning business, the Senate will proceed to executive session to consider the nomination of Thomas Perez to be Secretary of Labor. We hope to confirm both the Perez and McCarthy nominations today.

We are ready to move on this whenever my Republican colleagues say they want to. What would be the right thing to do would be to vote on Perez this morning and vote on the cloture motion I filed regarding McCarthy. Then this afternoon, after our lunches, we would vote on confirmation of McCarthy. However, whatever the Republicans decide, I will be happy to work with them in whatever way is convenient.

MEASURES PLACED ON THE CALENDAR—S. 1315, S. 1316, AND H.R. 1911

Mr. REID. I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1315) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (S. 1316) to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

A bill (H.R. 1911) to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

Mr. REID. Mr. President, I object to all three of these matters proceeding further at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the Calendar.

NOMINATIONS

Mr. REID. Mr. President, today, as part of this week's agreement to process nominations, the Senate will vote on confirmation of the Perez nomination to lead the Department of Labor, and we will vote on the cloture motion on the nomination of Gina McCarthy to lead the Environmental Protection Agency.

I hope we can move forward on these matters as quickly as possible.

Gina McCarthy is an accomplished environmental official who has served under several Republican Governors, including Governor Romney. She has worked in Democratic administrations

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

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also. As a top environmental official in Massachusetts and Connecticut, she has expanded energy efficiency and renewable energy programs.

We had a wonderful event yesterday morning where the EPA building was named after President Clinton. He stood and talked about what he and Vice President Gore had done to help the environment, and he stressed time and time again it is important to have a growing, strong economy and to make sure we take care of the environment in the process because those two things are not in conflict.

Gina McCarthy is now Assistant EPA Administrator, and it has been her job to come up with creative new ways to keep our air clean and our water safe while growing the economy, as President Clinton said.

She was nominated several months ago. I spoke to her yesterday morning, as she was with President Clinton, and she was anxious to have a vote today. She has a proven track record of public service, there is no question about that.

Tom Perez, the nominee to lead the Department of Labor, is also an experienced public servant. He is from Buffalo, NY, the son of Dominican immigrants. As we have heard, he put himself through college working at a warehouse and as a garbage collector. He graduated from Brown University, one of the most prestigious universities in America, and in fact the world, as is Harvard Law School. He went to both of those fine universities.

He served as Deputy Assistant Attorney General for Civil Rights under Janet Reno, who was Attorney General for our country. He was appointed by Governor O'Malley in 2007 to serve as secretary of the Maryland Department of Labor where he helped implement the country's first statewide living wage law.

Four years ago he was confirmed by the Senate with 72 votes to lead the Civil Rights Division at the Department of Justice in Washington. There he has helped resolve cases on behalf of families targeted by unfair mortgage lending.

He is very qualified, with his education and background, and he will be an excellent Secretary of Labor. So I look forward to our confirming him as soon as we can.

STUDENT LOAN INTEREST RATES

Mr. President, I am very hopeful we can wind up the discussions we have had for several weeks now on student loans. There has been wonderful bipartisan discussions in this regard. Again, the legislation that has been presented to me isn't everything I want, but it is the work of a number of Democratic and Republican Senators working very long hours—in fact, those Senators had a meeting the night before last with the President that lasted about an hour and a half.

So we have to get this done as soon as possible. Of course, we have made it retroactive because we know the student loan rate went up from 3.4 percent to 6.8 percent the first of this month, and we need to make sure that legislation gets done before we leave. With people processing their applications to go to school this fall, we should get it done as quickly as possible. It is possible we could do it today.

I appreciate—and I hope I don't miss mentioning anyone, though I am confident I will—the Senators who have worked so hard on this issue. But those who have worked together on this compromise have been Senators HARKIN, DURBIN, KING, and MANCHIN on our side; and on the Republican side, Senators ALEXANDER, COBURN, and BURR. There have been others. In the process, we also have a number of Senators who may not be totally pleased with this agreement that is contemplated, but they have all worked so hard—JACK REED and ELIZABETH WARREN.

What I would like to do, and I hope we can do it as soon as possible, with the compromise that has been worked out with the Senators I mentioned—and whatever Senator REED and others want to do—we would have a couple of votes to make sure everyone has the ability to vote on their legislation. I hope we can do it this way. It would be the right way to go in solving this issue.

If we do this, we would not be back next year to do it. It will be done. We would not be back in 2 years. It will be done. So I hope very much we can get this done. I applaud all these Senators who have worked so hard for so long to come up with an agreement.

Again, I repeat for the third time even this morning, this isn't going to be everything the Presiding Officer wants, the Republican leader or I want, but, hopefully, it will be a step forward.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATIONS

Mr. MCCONNELL. Mr. President, today the Senate will consider the nominations of Thomas Perez and Gina McCarthy to head the Department of Labor and the EPA. I will be voting against both of these nominees, and I would like to explain why.

Tom Perez is someone who has devoted much of his career to causes he believes in. That is certainly admirable, but the duty of advice and consent is about more than just ascertaining whether a nominee has good intentions. Far more important is considering the way a nominee has gone about pursuing them. It is about what he or she would do on the job. And that—that—is where the Perez nomination begins to break down because based on the evidence, Tom Perez is more than just some leftwing ideolog, he is a leftwing ideolog who appears perfectly willing to bend the rules to achieve his ends. It is this ''ends justify the means'' approach to his work, not simply his ideological passion, that is so worrying to me about Mr. Perez.

A few examples from his past paint the picture. Media reports indicate that as a member of a county council in Maryland, Mr. Perez tried to get the county to break Federal law by unlawfully importing foreign drugs even after a top FDA official said Federal law was ''very clear,'' and that there was ''no question'' that doing so would be ''undeniably illegal.''

When the County Executive, a fellow Democrat, ultimately decided not to instruct county employees to break the law, as Mr. Perez advocated—which could have subjected those workers to criminal prosecution—he lambasted the County Executive as ''so timid.''

''Federal law is muddled,'' Mr. Perez argued, adding, ''sometimes you have to push the envelope.'' Sometimes you have to push the envelope.

Throughout his career, however, Perez has done more than just push the envelope. He once pushed through a county policy that encouraged the circumvention of Federal immigration law. As the head of the Federal Government's top voting rights watchdog, he refused to protect the right to vote for Americans of all races in violation of the very law he was charged with enforcing. He also directed the Federal Government to sue a law-abiding woman who was protesting outside an abortion clinic in Florida.

The Federal judge who threw out this lawsuit said he was ''at a loss as to why the government chose to prosecute this particular case in the first place.''

Just as troubling, when Mr. Perez has been called to account for his failures to follow the law, he has been less than forthright. When he testified that politics played no role in his office's decision not to pursue charges against members of a far-left group that may have prevented others from voting, the Department's own watchdog—their own watchdog—said ''Perez's testimony did not reflect the entire story,'' and a Federal judge said the evidence before him ''appear[ed] to contradict . . . Perez's testimony.'' Appeared to contradict Perez's testimony.

In short, Mr. Perez made misleading statements in this case, under oath, to both Congress and the U.S. Civil Rights Commission. Taken together, this is reflective not of some passionate leftwinger who views himself as patiently advocating policies within the bounds of a democratic system, but as a crusading ideologue whose convictions lead him to believe the law simply doesn't apply to him.

As Secretary of Labor, Mr. Perez would be handling numerous contentious issues and implementing many politically sensitive laws. Americans of all political persuasions have a right to expect the head of such an important Federal department, whether appointed by a Republican or a Democrat, would implement and follow the law in a fair and reasonable way. I do not believe they could expect as much from Mr.

Perez, and that is why I will be voting against him today.

As for Gina McCarthy, I have no doubt she is a well-meaning public servant. We had some good conversations when she came to visit my office earlier this year. But as the head of EPA's air division, she is overseeing the implementation of numerous job-killing regulations. These regulations, along with others promulgated by the EPA, have had a devastating effect in States such as mine.

They have helped bring about a depression—depression with a ''d'' in parts of Eastern Kentucky.

And there is no reason to expect a course correction from Ms. McCarthy if she were to be confirmed as Administrator.

In fact, one assumes she would be expected to carry forward the President's plan to impose, essentially by executive fiat, even more destructive policies—policies similar to those already rejected by a Democrat-controlled Congress.

As someone sent here to stand up for the people who elected me, I cannot in good conscience support a nominee who would advance more of the same, someone who is not willing to stand up to this administration's war on coal.

And remember, this ''war'' talk that is not me saying that. ''A war on coal is exactly what's needed.'' That is what one of the White House's own climate advisors said just the other week.

All of us—Republicans especially—believe in being good stewards of the environment. But Washington officials have to be rational and holistic in their approach. They cannot, as this administration seems to think, simply do whatever they want, regardless of the consequences for people who do not live or act or think the same way they do.

I do not blame Ms. McCarthy personally for all of the administration's policies. But I believe the EPA needs an Administrator who is ready to step up and challenge the idea that the livelihoods of particular groups of Americans can simply be sacrificed in pursuit of some ivory tower fantasy. That kind of nominee—the kind of nominee I can support—is one who is willing to question the status quo and to make Kentuckians part of the solution.

OBAMACARE

Later today, the President is scheduled to deliver a speech on Obamacare.

He is expected to say that, because of Obamacare, Americans can expect checks in the mail.

Sounds great, doesn't it? Free money.

But, as they say, most things in life that sound too good to be true very often are.

And, in this case, it is not so much that people will be getting free money, as that most people will be paying many dollars more for their healthcare and maybe—just maybe—getting a few bucks back.

In other words, if you are a family in Covington facing a $2,100 premium increase under Obamacare, then, really, what would you rather have: a check for $100 or so or a way to avoid the $2,100 premium increase in the first place?

I think the answer is pretty obvious.

I think most Kentuckians would agree that this is just another sad attempt by the administration to spin them into wanting a law they do not want.

And there is this to consider: Even though we expect the President today to tout about $500 million worth of these types of refunds, what he will not say is that next year Obamacare will impose a new sales tax on the purchase of health insurance that will cost Americans about $8 billion. That is a 16 to 1 ratio.

So if the administration is concerned with saving people money on their health care, I have some advice for them.

Work with us to repeal Obamacare and start over—work with us to implement common-sense, step-by-step reforms that can actually lower costs for Kentuckians. Because jacking up our constituents' health care costs is bad enough, but to try to then convince them the opposite is happening—that they have actually won some Publishers Clearinghouse sweepstakes, well, it is just as absurd as it sounds. It is really an insult and I know Kentuckians aren't going to buy it.

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 for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority leader controlling the first half.

The Senator from Colorado.

AURORA THEATER SHOOTING

Mr. UDALL of Colorado. Mr. President, I rise today to mark a somber milestone. Nearly 1 year ago, Colorado and the Nation were shocked by the horrific scene at an Aurora movie theater. Even before the sun rose that Friday, July 20, 2012, we began hearing of a senseless mass shooting that took the lives of 12 people and injured 70 more.

Today I want to mark the anniversary of this tragedy and to honor the strength that so many Coloradans have shown—both on that day and in the weeks and months since.

The Aurora theater shooting shook us, it shocked us, it outraged us, but, as I said one year ago, it did not break us. Even today we are seeing that the legacy of this terrible tragedy is not the horror of that day but, rather, the courage and resilience of the people who have refused to let this event define their lives.

Take, for example, 18-year-old Zack Golditch, who endured surgery and weeks of recovery so he could continue with his football career and become a repeat state discus champion. The Denver Post recently named him the winner of their Adversity Conquered through Excellence award and this fall he will begin his freshman year as an offensive lineman at CSU.

Or Marcus Weaver, who was shot twice but now hosts a weekly radio show in Denver that spotlights great Americans who are making a difference in the community. Marcus also works with his church to help people who have struggled through addiction or incarceration and now travels the country inspiring others with his story and pushing them to take charge of their lives.

These are just two of the countless examples of the perseverance of people who were affected by the Aurora shooting. Zack and Marcus's strength defines us as Americans. That is something in which we can take great pride.

It is the kind of strength we honor in remembering this tragedy now a year later. In particular, we look back and honor young men like 26-year-old Jon Blunk and 24-year-old Alexander Teves who sacrificed their lives to protect their friends. And then there were the countless police and other first responders who rushed to the scene to care for the wounded and to stop the shooter before he could injure others.

Colorado has known too many tragedies these past several years. From the Aurora theater shooting to wildfires in Colorado Springs, Fort Collins and elsewhere that have threatened and destroyed entire communities and left hundreds of our friends and neighbors without homes.

We have seen the same spirit of sacrifice and resilience, as firefighters and community members have banded together to fight the Black Forest Fire, the West Fork Complex Fire and the other blazes that have threatened entire communities across Colorado this year.

This Saturday, on the 1-year anniversary of the Aurora theater shooting, let's take time to remember those we have lost and to honor the resilience of our neighbors who press on with their lives, undaunted by this terrible act.

In that spirit, I want to read into the RECORD the names of the twelve people who lost their lives one year ago. We must never forget these names: Matt McQuinn, Micayla Medek, Jessica Ghawi, Gordon Cowden, Jesse Childress, John Larimer, Jonathan Blunk, Veronica Moser-Sullivan, Alex Sullivan, Alexander Teves, Rebecca Wingo, and Alexander Boik.

I hope that we can draw strength from the tragic loss of those 12 wonderful, beautiful people and that it leads