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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.

Immortal, invisible God, in whose patient hands the mighty seasons move with quiet beauty, hallowed be Your Name.

As our lawmakers face the complexities of their work, enlighten them with Your wisdom, lest the darkness prevent them from seeing the paths of Your providence. Lord, empower them to run and not be weary, to walk and not faint, keeping them always in Your care. May they find peace in the knowledge that You know and accept them as they are.

God bless America. Drive back the forces of evil and release the powers of goodness throughout our land.

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 assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 2014.

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.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

REPEALING SECTION 403 OF THE BIPARTISAN BUDGET ACT OF 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 298, S. 1963.

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

The assistant legislative clerk read as follows:

A motion to proceed to Calendar No. 298, S. 1963, a bill to repeal section 403 of the Bipartisan Budget Act of 2013.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of S. 1845, which is the Emergency Unemployment Compensation Extension Act. The filing deadline for first-degree amendments to that is 9:45 a.m. today, just a few minutes from now. The deadline for second-degree amendments to the Reed amendment and to the bill is 10:45 a.m.

ORDER OF PROCEDURE

I ask unanimous consent the cloture vote on the Reed substitute, which is

now scheduled for 11 a.m., be at 2 p.m. There will be two votes at that time, and there could be another one. We will see what happens on the cloture vote.

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

Mr. REID. As I said, Mr. President, there will be two rollcall votes. The first vote is on cloture of the Reed amendment. If cloture is not invoked, there will be a second cloture on the underlying bill.

We hope to be able to work something out for Senator BAUCUS's nomination to be ambassador to China this afternoon.

MEASURE PLACED ON THE CALENDAR—S. 1996

Mr. REID. Mr. President, I am told that there is a bill, S. 1996, due for a second reading.

The ACTING 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. 1996) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. I object to any further proceedings with regard to this matter.

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

TRIBUTE TO MAX BAUCUS

Mr. REID. Mr. President, I have had the good fortune of serving in Congress for more than three decades with a good man, the senior Senator from Montana MAX BAUCUS. We hope to schedule a vote sometime this afternoon on his confirmation to be our Nation's Ambassador to China.

Senator BAUCUS has served in the Senate for a long time. At the end of this year, he will have served 36 years. Prior to that, he served in the House of Representatives for 4 years. Prior to that, he served a term in the Montana State legislature.

He has his undergraduate and law degree from Stanford. He is an extremely

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



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smart person and is certainly versed on what goes on in the Congress.

After he received his law degree from Stanford, he worked as an attorney at the Securities and Exchange Commission and entered private practice in Missoula after that.

His mentor, and the person who got him interested in politics, was Mike Mansfield. I didn't know him—I shouldn't say I didn't know him. He attended the prayer breakfast, and I met him on a number of occasions at our Wednesday prayer breakfast. He was a very quiet man, and that is what everybody says about him. He was the worst guest in the world to interview on a Sunday show because he wouldn't say anything. He would just answer yes or no. He was well respected in the Senate by Democrats and Republicans.

I heard Senator BAUCUS tell the story many times about how Mike Mansfield suggested that he go into politics. Well, he did do that.

Senator BAUCUS served 2 years in the Montana State legislature before he was elected in 1974 to the House of Representatives. He served, as I indicated earlier, 4 years in the House before coming to the Senate. He has been elected and reelected to the Senate 5 times. As I said, at the end of this year, he will have served for 36 years in the Senate.

He has been chairman of the Finance Committee. He has been chairman of the Environment and Public Works Committee. He has been a member of the Agriculture Committee for a long time. By the way, he was appointed to that committee on a temporary basis many decades ago and never left.

As chairman of the Senate Finance Committee, he was instrumental in developing lots of landmark legislation, but the most significant law he helped to pass in this body was the landmark health care reform bill, the Affordable Care Act, which is saving lives and a lot of money for American taxpayers.

He has been a long-time advocate for the Children's Health Insurance Program. He worked on that with a number of people—not the least of which is Senator ORRIN HATCH of Utah.

While Senator BAUCUS is well-known nationally for his tireless work on health care, tax reform, and as a member of the Environment and Public Works Committee, he was also involved in public works projects.

I think the most important thing that Montanans will remember about him is that he always put Montanans first. He is an avid hunter. He authored one of the largest public land grant bills in American history which preserved 310,000 acres of forest land in northwestern Montana.

It is a testament to his love of the outdoors that MAX BAUCUS walked almost 1,000 miles across Montana in 1995 and 1996.

MAX and I have an ongoing dialogue about running. I have run a number of marathons, but MAX BAUCUS is a better runner than I am. He is faster, and he

has run—I ran one 31-mile race, but MAX has run 50-mile races, and he has trained for 100-mile races. During one of those, he fell and hurt himself quite significantly. He hit his head because of a fall.

We have exchanged news articles and stories about runners. We enjoy focusing on our athletic skills. It was just the two of us, so we could say whatever we wanted because there was no one there to listen.

He is someone who loves running. He is still an avid runner, and I have admired him for his athletic skills in addition to his legislative skills.

Senator BAUCUS's independent spirit has made him a powerful advocate for Montana and for the issues he cares about. He is a respected member of the Democratic caucus and has great respect from the Republican caucus.

During the time that Senator GRASSLEY was the ranking member—I can't vouch for this, but I think I am right—and Senator BAUCUS was chairman of the Finance Committee, they met every week for lunch. Every week we were in session, they had lunch together.

His passion is well known to all of us. He has decades of experience in Congress. President Obama made an excellent choice in appointing Senator BAUCUS to represent America's interests in China, a growing power in our global economy.

He has never shied away from difficult issues of the day, and I have no doubt that his fearlessness will serve him well in his new role as a representative for our country in China.

Although Senator BAUCUS will be missed by the entire Democratic caucus and the Senate family, our loss will be the Nation's gain.

I wish the senior Senator from Montana the very best.

I hope we will vote this afternoon on Senator BAUCUS's nomination to be Ambassador to China. We have not locked that in yet.

EMERGENCY UNEMPLOYMENT INSURANCE

We will also vote at 2 p.m. to advance a 3-month extension of emergency unemployment insurance that will not add a penny to the deficit. We originally said 3 months and that it should not be paid for, but the Republicans said it had to be paid for.

We have had two, I thought, really uncontroversial issues that paid for it. The first one didn't work. I think that is wrong, but it didn't work. No one complained about the second one, so certainly any "no" vote on extending unemployment benefits is a "no" vote because they don't want to extend unemployment benefits.

For a number of years the junior Senator from Oklahoma has talked about how millionaires should not draw unemployment benefits. I agree with him. That is in JACK REED's amendment, which we are going to vote on later today. Under this legislation, we have accepted the suggestion of the junior Senator from Oklahoma

that millionaires should not draw unemployment benefits.

We have virtually done everything that the Republicans asked. They will come up with excuses about why we can't do this and how they want amendments, but that is just a loss leader. We offered them 20 amendments before, but it wasn't good enough.

I hope that we could have a few valiant Republicans vote to help the people who are in desperate need of help. I am sorry to say that it appears Senate Republicans appear ready to filibuster this important legislation a second time despite the fact that we have compromised on every one of their demands. Republicans complained that the bill wasn't paid for, so we found an offset that was minimal to just about everything—at least certainly for those people who were originally on the bill—HELLER, MURKOWSKI, COLLINS. It is my understanding they accepted that. I hope more do. We need five Republican votes.

The Republicans have complained after the first vote that they wouldn't vote on an extension of unemployment insurance without reforms to the program, so we did that also.

I am beginning to believe there is nothing that will get Republicans to yes. With the exception of a few Republicans who have taken the human toll of obstruction into consideration, Republicans simply don't want to extend these benefits.

Their obstruction has already cost the Nation \$2.2 billion in economic activity—a body blow to small businesses around the country. Every week they delay, another 73,000 Americans lose these crucial benefits, benefits that help them keep food on the table and a roof over their heads while they search for a job.

I shared the story about a 57-year-old Nevada woman who is couch surfing—I had never heard that term before, but I understand it—who is sleeping on friends' couches because she doesn't have a home anymore. She sold all her belongings so she could put gas in her car if she gets a job interview. This woman has worked all her life. She doesn't want a handout; she wants a job.

So I have had some good conversations with Republican Senators. I hope they will go ahead and let this important piece of legislation pass. We are going to move as quickly as we can to some bills that have been reported on a bipartisan basis out of committees. We are looking closely at the HELP Committee, the Energy Committee, and there are other committees we are going to look at to see if we can bring a bipartisan bill here to the floor, have an agreement on amendments, and try to move forward on that basis.

So as we vote today, I hope my Republican colleagues will keep in mind that we need to move forward—it is so important—to help people who are desperately in need of help such as this 57-year-old woman from Nevada. I hope

they will work with us to advance this bill and legislation in the future more expeditiously than we have in the past.

RECOGNITION OF THE MINORITY LEADER

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

THE IRS

Mr. McCONNELL. Mr. President, just last year, IRS officials and an inspector general report confirmed what we have been hearing from constituents for quite a while: The IRS was being used to target Americans for daring to exercise their first amendment rights, for daring to think differently, for daring to hold opinions contrary to high-ranking government officials. They confirmed that civic groups the administration opposed, including at least one in my home State of Kentucky, were harassed and bullied by the IRS. They confirmed that individuals who supported these groups were intimidated and attacked, and they confirmed something else too—that this happened in the runup to a national election.

So Americans were rightly outraged—outraged—when the worst fears of citizen organizations came to light. The American people rightly expected the Obama administration to take concrete steps to end this harassment once and for all—to put safeguards in place that would ensure the same kind of abuse never, ever happens again.

But that is not what happened. No, in fact, basically, the opposite of that happened. The Obama administration now seems to be trying to legitimize the harassment after the fact, to enact regulations that would essentially allow the IRS to bully and intimidate Americans who exercise their right of free speech. It is something they were originally planning actually to slip by while the harassment was actually still going on.

But here is the thing. The administration knew it could never get anything like that through Congress the democratic way, so it is trying to quietly impose these new regulations through the back door—through the back door—by executive fiat. Administration officials insist the rules change is just a minor bureaucratic adjustment. Nothing to it, they say. They claim it is just a “good government” idea from the IRS—a response to the inspector general report that brought these terrible abuses to light.

Of course, we know that is not true. We know the administration had been working on this proposed rule for at least 2 years—2 years—before the inspector general report came out, and from the looks of things there is nothing “good government” about this at all. As with so much of what we have seen with the Obama administration, it is almost purely political—transparently political.

Under the administration’s proposed regulations, many citizen groups could

be prohibited—prohibited—from participating in some of the most basic civic engagement activities—things such as voter registration, issue advocacy, and educating citizens about candidates before an election. This is just plain wrong. Grassroots groups shouldn’t be persecuted for doing what Americans expect them to do. They shouldn’t be forced to shut up or shut down or for engaging in the very kinds of educational activities that the 501(c)(4) designation was designed to support.

The idea is to shut up and shut down the voices that oppose the administration’s priorities, and it comes on the heels of a long-running pet project of this administration to expose conservative donors to harassment in order to try to dry up their funding.

Americans who care about the First Amendment need to stand up to this regulation before the administration has a chance to finalize it. The American people need to stand up to this regulation before the administration has a chance to finalize it. And they actually are. More than 20,000 citizens have already submitted comments on this proposed rule at regulations.gov. Nearly all the ones I saw were opposed.

In the House, Representative DAVE CAMP has introduced legislation that would prevent the IRS from implementing any such regulation, and next week, I, along with Senator FLAKE, Senator ROBERTS, and others, will introduce companion legislation that would do the same in the Senate.

But I hope it doesn’t have to come to that. There is a much easier fix available. There is a way out of this dilemma. The new commissioner of the IRS, John Koskinen, can put a stop to the rule right now if he chooses. He can stop this right now if he chooses. If he means what he said when the Senate confirmed him—the comments we heard about restoring integrity to the IRS—then he will do just that. The Speaker and I, along with top Senate and House leadership and the leadership of the relevant authorizing and appropriating committees, have just sent a letter to Mr. Koskinen on this topic, and we look forward to his response.

Back in the 1970s, Richard Nixon famously tried to influence the IRS into helping him punish his political opponents. The IRS has been in this spot before. Back then, the IRS commissioner stood up to President Nixon and said, essentially: No, that is not what this agency is supposed to do. So the history is that when a previous IRS commissioner had a President of the United States try to use him to target his political enemies, the Commissioner of the IRS stood up to the President and said no. He said no to the President. The President cannot use the IRS to target the President’s political enemies. That act of courage and independence became the defining act of an already distinguished career, and it was something for which the American taxpayer should be forever grateful.

So, today, Commissioner Koskinen has a similar choice. He can either be remembered as the man who reformed this IRS at a time when Americans were deeply distrustful of it or he can be remembered as the man who allowed himself to be used by the administration for its own political ends. That is the choice.

The bottom line is this. Americans need to be able to trust the IRS again, and that means getting our Nation’s tax agency back into the mission it was designed to perform such as processing tax returns, not regulating free speech. The Obama administration’s proposed rule has almost nothing to do with actual tax policy. It is more about making harassment of its political opponents the official policy of the IRS. That is completely unacceptable. Remember, this is an agency that has access to some of America’s most sensitive personal information: the power to audit, to penalize, to harass—power that is pretty wide-ranging.

So it is not surprising that groups all across the political spectrum, from the ACLU to the Chamber of Commerce, have expressed concerns about this rule.

Let’s be clear. Let’s be perfectly clear. Commissioner Koskinen knows the IRS has no business regulating free speech. He knows that. The eyes of America are on the IRS commissioner. They are counting on him to do the right thing.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1845, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1845) to provide for the extension of certain unemployment benefits, and for other purposes.

Pending:

Reid (for Reed) amendment No. 2714, of a perfecting nature.

Reid amendment No. 2715 (to amendment No. 2714), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2716, to change the enactment date.

Reid amendment No. 2717 (to (the instructions) amendment No. 2716), of a perfecting nature.

Reid amendment No. 2718 (to amendment No. 2717), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REED. I ask unanimous consent that the time until 2 p.m. be equally divided and controlled between the two