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Senate

(Legislative day of Thursday, June 16, 2011)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

O God of time and eternity, You made us. Bring our wandering hearts under Your control. Infuse within our lawmakers a love for You that will make their obedience willing and glad. Lord, enable them to turn from every thought, word, and deed that violates righteousness. Help them to manifest ethical fitness in their private and public lives, making integrity the hallmark of their characters. Let right living begin with them as they resolve to labor for peace and justice and to be good stewards of Your gifts.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD

BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following any leader remarks, the Senate will be in morning business with Senators permitted to speak for up to 10 minutes each.

There will be no rollcall votes today. The next rollcall vote will be at about noon tomorrow on confirmation of the Simon nomination.

Further, following the weekly caucus meetings on Tuesday, Senators should expect up to three additional rollcall votes on confirmation on the Panetta nomination, cloture on the Economic Development Act, and if cloture is not invoked, cloture on the motion to proceed to the Presidential Appointment Efficiency and Streamlining Act.

AMENDMENTS TO EDA

Mr. REID. Mr. President, this Congress convened in January with a single mandate from the American people: create jobs. So Democrats have brought to the Senate floor bill after bill aimed at helping American businesses innovate, grow, and hire. These were good pieces of legislation with proven track records of creating jobs.

Take the latest, the Economic Development Administration reauthorization. Since 1965 the EDA has created

jobs in economically distressed communities all over America, creating good jobs in places that need them, such as Nevada, California, Florida, and many others. This should be a goal on which we can all agree.

In the last 5 years, the Economic Development Administration has created 314,000 jobs and has done it efficiently too. For every dollar the Federal Government invests, private industry invests \$7.

For 45 years the EDA has worked with businesses and universities at the local level to create jobs from the ground up. Even when Republicans controlled the White House, even when they controlled Congress, even when they controlled both, EDA was there helping businesses grow.

Today, our economy needs jobs more than ever. Yet Republicans have found new ways to kill a piece of legislation that would put Americans back to work. They have stood on the Senate floor and talked with straight faces about job creation and then turned around and bogged down good job-creating legislation with amendments that would kill even the most bipartisan bill. Meanwhile, unemployed Americans wait and wait.

They wait while Republicans filibuster, not with words but with amendments. A bill that has created 314,000 jobs in the last 5 years, they filibustered. One would think these must be important amendments if Republicans are willing to make Americans who are standing in the employment line wait longer and longer. But you be the judge.

Our Republican friends are holding up a proven job creator to exempt the sand dune lizard from the Endangered Species Act. Lest the lizard be singled out, there is an amendment to exempt the lesser prairie chicken.

This sends the message that such frivolous amendments, more than 90 of

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



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them, are more important than putting people back to work.

Here are some of the amendments they have filed: EPA water quality standards, lightbulbs, right-to-work laws, the estate tax, repeal of Wall Street reform, the United States-Mexico border fence. Yet, again, a handful of these amendments would delay or repeal health care reform. None of them are germane to the legislation before us.

My staff looked through all of these, and they found one arguably is germane, and that one is an amendment offered by Senator INHOFE which the chairman of the committee, BARBARA BOXER, agrees to. Again, they have amendments that would delay or repeal health care reform. It is a battle Republicans seem determined to fight over and over, no matter how many times they lose.

We have already voted on bank card swipe fees and ethanol subsidies, and we voted on the regulatory reform amendment offered once again by the senior Senator from Maine. Yet we could not reach agreement to consider this worthy bill.

This is not the first time Republicans have stopped the important work of job creation in its tracks. The small business innovation research bill died on the Senate floor because of amendments, none of which related to that bill. The Federal Aviation Administration reauthorization and patent reform bills, which would have put about a half million people to work, languish in the House. They are over there now someplace. Yet, still, unemployed Americans wait on this bill we are going to vote cloture on tomorrow—or try to.

The amendments are really hard to comprehend: the Consumer Financial Protection Agency, to do away with that; they repeal Dodd-Frank Wall Street reform, the Commission to Approve Oversight and Eliminate Wasteful Spending, debt instrument transparency, amend the NLRA with respect to States that have the right-to-work laws, national right to work, gainful employment regulation, termination of global climate change, permanently repeal the estate tax, substitute the Economic Development Administration, prohibit award and designation of funds to any area or entity named for a living Member of Congress, repeal position on withholding of certain payments made to vendors by government entities, extension of certain Outer Continental Shelf leases, removal of insurance moratorium for industrial banks, limit antitrust exemption, repeal Davis-Bacon wage requirements, prohibit printing of the CONGRESSIONAL RECORD, increase statutory limit of the public debt, enable States to opt out of health care reform.

Another one is, Stability Oversight and Council authority, inclusion of application to independent regulatory agencies, amend Unfunded Mandates Reform Act, border fence completion,

major rules of the legislative branch shall have no force for approval as enacted into law, delay implementation of health care reform until final resolution in pending lawsuits, securities laws amendments, rescind \$45 billion of unobligated discretionary appropriations, rescission of unobligated discretionary appropriation, reduce amounts authorized to be appropriated, prescribe fires in Flint Hills region, EPA water quality standard, repeal Bright Fields Demonstration Program, terminate global climate change mitigation.

Mr. President, these are amendments that go page after page. I have only mentioned a few of them. They have more than 90 of them. If there ever were an example of such a tremendous waste of the Senate's time and the indication that the Republicans don't care anything about the American people working—I guess their goal is to make things as bad as they can and, hopefully, the American people won't see through it, and maybe they will get somebody elected to replace President Obama. What other reason could there be?

People are desperate for jobs. The unemployed wait and wait. It would be different if they came here and offered amendments that had some relevance or germaneness to this legislation. But they don't.

Tomorrow, Republicans will get another chance to help us move forward on a bill that has a proven track record of putting people to work, for the amount of \$1.2 billion, and the last 5 years we have created 314,000 jobs. Why? Because it is good for the private sector. For every dollar we invest, they invest \$7. In the meantime, though, I urge my Republican colleagues to consider the cost of these delaying tactics.

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, there will be a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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. I ask unanimous consent that 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.

KENTUCKY COAL MINERS

Mr. MCCONNELL. Mr. President, I would like to say a few words to acknowledge the three coal miners who are trapped in a coal mine near Middlesboro, KY. They were trapped there as a result of terrible storms and flooding in the southeastern part of my State. A number of different communities have been affected by the flooding, and a lot of people are working hard to help folks recover from power outages and mudslides. From what I understand, rescue efforts for the three miners are now underway, and the people on the ground are hopeful they will be able to rescue all three men, but we want them and their families to know we are all thinking of them as the rescue efforts continue.

This is a vitally important industry in the region, and in moments such as this it is appropriate that we acknowledge the danger people who work in the coal mines subject themselves to every single day. They are a courageous and dedicated group, and we are very grateful for their work.

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

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

NOMINATION OF MICHAEL SIMON

Mr. WYDEN. Mr. President, tomorrow, the Senate will vote on the confirmation of Michael Simon to serve as U.S. District Court Judge for the District of Oregon. Michael Simon is a good and decent man. In my home State where we have a judicial emergency by the standards of Chief Justice Roberts, it is vitally important that Michael Simon be confirmed. To begin, I wish to thank Chairman LEAHY; ranking minority member GRASSLEY; the majority leader, Senator REID, and minority leader MCCONNELL for bringing this nomination to the floor today.

Senator MERKLEY and I have been proud to put forward Mr. Simon's name for consideration by the President. We were enthused by his subsequent nomination, and we are now hopeful he will soon be able to continue his service to the people of Oregon in this new capacity.

Michael Simon is both a distinguished lawyer and a legal scholar with a diverse and impressive legal career. That career includes work as a public servant, as a litigator, a pro tempore judge, and as a professor. Michael Simon now is a partner at the firm of Perkins Coie in Portland, and he has worked there since 1986. After graduating summa cum laude from UCLA, Mr. Simon attended Harvard Law School where he again graduated with honors cum laude.