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## Senate

The Senate met at 9 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

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

Let us pray.

Eternal Spirit, the God of all comforts, the challenges continue, but You have promised us strength for each new day. So give us this day our daily intellectual, physical, social, and spiritual bread that we may honor You.

Empower our Senators today to become instruments of Your grace, continuing Your work on Earth to liberate the captives. May our lawmakers seize the opportunities You give them to protect and bless our world.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 23, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WHITEHOUSE 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. Mr. President, I am in a moment going to note the absence of a quorum. There will be no speeches until the Republican leader and I have a chance to visit and determine what we are going to do this morning. We expect a vote fairly quickly. We will do the best we can. We are waiting for a message from the House.

At this time, 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 President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Under the previous order, the leadership time is reserved.

### UNANIMOUS CONSENT AGREEMENT—H.R. 2608

Mr. REID. Mr. President, I apologize to all Members for not being able to get here more quickly, but we have done the best we can. I have been waiting to hear from the Speaker for the last half hour or so and he has not called.

I ask unanimous consent that at 11:20 this morning, notwithstanding the message not having been received from the House with respect to H.R. 2608, the House message be considered to have been laid before the Senate; further, that I may move to concur in the House amendment to the Senate amendment to H.R. 2608 with an amendment, the text of which is the House amendment with a technical change; that there be 10 minutes of debate, equally divided, between the two leaders or their designees; that upon the use or yielding back of that time, the majority leader be recognized to move to table the motion to concur with an amendment and the Senate proceed to a vote on the motion to table the motion to concur with an amendment, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum and ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we can see there is not a stampede to talk, so I now ask unanimous consent that notwithstanding the previous order, the motion to table be in order now.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the House message is considered laid before the Senate.

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



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Mr. REID. Mr. President, I move to concur, with an amendment. The amendment is at the desk.

(The text of the amendment (No. 655) is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House message with respect to H.R. 2608, with amendment No. 655.

Mr. REID. I move to table that and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 36, as follows:

[Rollcall Vote No. 151 Leg.]

#### YEAS—59

Akaka	Harkin	Paul
Baucus	Inouye	Pryor
Begich	Johnson (SD)	Reed
Bennet	Johnson (WI)	Reid
Bingaman	Kerry	Risch
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Rubio
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Lee	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Toomey
Coons	Manchin	Udall (CO)
DeMint	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden
Hagan	Nelson (FL)	

#### NAYS—36

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoeven	Nelson (NE)
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Roberts
Coats	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Kirk	Snowe
Cornyn	Kyl	Thune
Crapo	Lugar	Vitter
Graham	McCain	Wicker

#### NOT VOTING—5

Barrasso	Coburn	Enzi
Chambliss	Corker	

The motion was agreed to.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

MOTION TO CONCUR, WITH AMENDMENT NO. 656

Mr. REID. Mr. President, I now move to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment numbered 656.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2608, with amendment No. 656.

Harry Reid, Daniel K. Inouye, Tom Udall, Charles E. Schumer, Richard J. Durbin, Mary L. Landrieu, Patty Murray, Patrick J. Leahy, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Maria Cantwell, Daniel K. Akaka, Jack Reed, Debbie Stabenow, Kay R. Hagan.

#### AMENDMENT NO. 657 TO AMENDMENT NO. 656

Mr. REID. Mr. President, I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 657 to amendment No. 656.

The amendment is as follows:

At the end, add the following new section: Section \_\_\_\_\_

This Act shall become effective 4 days after enactment.

#### MOTION TO REFER, WITH AMENDMENT NO. 658

Mr. REID. Mr. President, I have a motion to refer the House message to the Appropriations Committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on H.R. 2608 to the Senate Appropriations Committee with instructions to report back forthwith, with an amendment numbered 658.

The amendment is as follows:

At the end, add the following new section: Section \_\_\_\_\_

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 659

Mr. REID. Mr. President, I have an amendment to my instruction that is also at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 659 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 660 TO AMENDMENT NO. 659

Mr. REID. I have a second-degree amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 660 to amendment No. 659.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum requirement under rule XXII be waived with respect to the cloture motion I just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that the vote on the motion to invoke cloture on the motion to concur with an amendment occur at 5:30 p.m., Monday, September 26.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. McCONNELL. Reserving the right to object and with the indulgence of my friend the majority leader, let me make some brief remarks about where we are.

For anyone who is confused about what is going on in Congress right now, let me make it easy. In order to keep the government running beyond next week, Congress needs to pass a short-term bill that funds government operations at a spending level to which both parties can agree. The good news is, we have already agreed on a spending level. That has already been done. Last night, the House of Representatives passed a bill that meets that figure we agreed on a couple of months ago.

Here is the holdup. Because of some of the horrible weather we have had over the past several weeks, we have all agreed to add emergency funds we

didn't originally plan in this bill, and Republicans have identified a couple of cuts to make sure we don't make the deficit any bigger than it is already, including an offset Leader PELOSI has used in the past. The rest is from a cut to a loan guarantee program that gave us the Solyndra scandal. I think we can all agree this program should be put on hold until we get more answers, but our friends on the other side don't like the idea. They would rather just add these funds to the deficit. Why? Because, they say, that is the way we have always done things around here. Well, I think there is a lesson we can draw from the debates we have been having here over the last 6 months; that is, the American people won't accept that excuse any longer. The whole "that is the way we have always done it" argument is the reason we have a \$14 trillion debt right now.

If we pass this bill, FEMA will have the funds they need—have the funds they need—to respond to these emergencies. That is not the issue. What is at issue is whether we are going to add to the debt.

We have a path forward to get disaster funding done right here, today. There is absolutely no reason, in my judgment, to delay funding for disasters until Monday, as my friend the majority leader is now asking us to do. I don't think we ought to delay at all. We just received the amendment a few minutes ago, but we are aware of what it does, and I think it is important for us to try to resolve this issue sooner rather than later.

Let's just walk through the next few days. If we don't have this vote until Monday, that leaves 24 hours or so before the Jewish holidays begin and then several days before the end of the fiscal year. It strikes me that we would be better off going ahead and having this vote now and entering into the discussions that will probably now be delayed until sometime Monday night to see how we can resolve this impasse between the House and Senate.

We would be happy to have the cloture vote on the proposal of my friend the majority leader right now rather than Monday night so we can get a clear sense of where we stand. It is my view that we ought to have the vote today rather than wait until Monday and basically squander the next few days toward getting an agreement we know we have to reach. Therefore, Mr. President—and I thank my friend the majority leader for letting me explain my position—I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. First of all, my friend, I am sure, understands that this great piece of legislation that was sent to us by the House received 36 votes over here. It was tabled on a bipartisan basis.

The matter that is now before the Senate is really a nice piece of legislation. It funds the government until No-

vember 18. That is what the House wanted. There also is money in this bill to take care of FEMA. And even though we passed a bill here with bipartisan support that had \$6.9 billion, which we believed was an appropriate figure, in an effort to compromise on this CR, we have the number the House thinks is a better number. That is what is before us.

So, Mr. President, my suggestion to my friend—and he is my friend—is that the two Democratic leaders, REID and PELOSI, and the two Republican leaders, MCCONNELL and BOEHNER, should just cool off a little bit and then work through this. There is a compromise here, and the compromise is now before the Senate. Everyone, once in a while, needs a little cooling-off period.

The government is not shutting down. I spoke to Mr. Fugate myself, and FEMA is not out of money. We will come here Monday, and more reasonable heads will prevail. I hope over the weekend the four leaders can lead their troops in the right direction.

So I again ask unanimous consent that the vote on the motion to invoke cloture on the motion to concur with an amendment occur at 5:30 p.m., Monday, September 26.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, obviously, here in the Senate we would have a 60-vote threshold, and that is what we will have Monday afternoon. I see no reason why we shouldn't advance that to now so it can be clear whether this measure would pass the Senate. I am pretty confident it will not, and I don't see any purpose to be served by delaying the outcome of that, making the outcome clear on Monday when we could have a clear outcome today; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, first of all, we have a piece of legislation at the desk that takes care of all the issues. It takes care of funding the government after October 1, and it also takes care of FEMA for the foreseeable future. It is a nice piece of legislation.

It is not our number; it is the House number.

I ask unanimous consent that the Reid motion to concur to the House amendment to the Senate amendment H.R. 2608 with amendment No. 656 be agreed to, the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and any statements relating to this bill be placed in the RECORD at the appropriate place as if read. In fact, what we are asking here is the CR, with the FEMA language, be passed.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, we will have that vote on Monday. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I renew my request. I would tell everyone—as my friend said, we will have the vote on Monday. We will keep the vote open, and if people are pressed on planes, I will work with the Republican leader and make sure that everyone is protected as much as possible.

The PRESIDING OFFICER. Is there objection to the renewed request for Monday?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, as my colleagues know, last night the House of Representatives approved a continuing resolution which includes critical funding for the Federal Emergency Management Agency, FEMA. It has been reported that my friends on the other side of the aisle are committed to defeating this measure because the FEMA spending has been offset by a \$1.5 billion reduction in the Advanced Technology Vehicles Manufacturing Loan Program.

I would like to remind my colleagues that in 2009, before the change of leadership in the House, that body sent over a bill, H.R. 3435, to "Make supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program"—otherwise known as "Cash-for-Clunkers." That bill provided an additional \$2 billion, on top of an already appropriated \$1 billion, for a program that did nothing to boost long-term car sales in this country.

And how was the second appropriation to "Cash-for-Clunkers" paid for? You guessed it, unused funds from a Department of Energy loan guarantee program. The former leadership in the House transferred money from the Department of Energy Innovative Technology Loan Guarantee Program that was funded by the stimulus bill.

If "Cash-for-Clunkers" was important enough to transfer money from a loan guarantee program that was not being utilized, why not the disaster relief we are seeking to fund now? I would like to hear from my friends on the other side of the aisle as to what made "Cash-for-Clunkers" so critical to our Nation's health that we could pay for it with money from a loan guarantee program but are unable to do the same with FEMA?

And what is it about the Advanced Technology Vehicles Manufacturing Loan Program that the majority prioritizes over FEMA's disaster relief efforts?

According to the Government Accountability Office, the Department of Energy has not obtained technical expertise to monitor the loan program, developed sufficient performance measures to ensure the loan guarantee program achieves its intended goals, and "could not provide Congress with information on whether the program was achieving its goals and warranted continued support."

There is absolutely no excuse for not passing the continuing resolution approved by the House last night.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Ms. CANTWELL. Mr. President, I know my colleagues here want to join in on the debate that just transpired, but I wanted to take a minute to talk about Senate bill 1542, which passed last night. I know, just as people are frustrated here with everything that is going on, I think it is important to stop for a second, when something does pass and it is good policy, that we talk about it, and that is the Child and Family Services Improvement and Innovation Act.

Congress took a pretty big step last night by improving the lives of children by the passage of this legislation. It is about keeping families together. It is about rewarding government efficiency and driving down costs, and it is about giving flexibility to invest in programs that are proven to work for kids and families.

This bill is about America's children. It is about making sure that America's foster care program works for children so they can keep their families together. Too often, our Federal policies have punished States which have innovative programs, giving States money based on how many kids were still in foster care instead of rewarding success and innovation that helped transition children out of the foster care system and back with their families.

Let me tell you what has happened in Washington State. We have been implementing innovative programs to improve foster care for many years now. When Washington State noticed a disproportionate number of Native-American children being placed in foster care, our advocates took action and implemented the Washington Indian Child Welfare Act in developing strategies for strengthening tribal relationships and promoting the best interests of Native-American children.

When Washington State noticed in general how long children were staying in foster care, advocates took action, this time implementing policies to help reduce the length of stay for children in out-of-home care. As a result, the median length of stay for children in out-of-home care declined almost 100 days between 2009 and 2011. In addition,

Washington State reduced its foster care caseloads by 13.8 percent during a similar time period.

Unfortunately, instead of being rewarded for these actions, we were penalized, and that is what this legislation has helped to correct. In fact, we lost \$2.7 million during that time period. So this legislation, instead of punishing Washington State for keeping kids out of foster care, helps us ensure the kind of innovation that will help us to make sure the best programs are implemented. This allows Washington to increase its capacity to keep doing the things that keep children who have been in the foster care system from being in the foster care system the entirety of their childhood. This instead drives them, hopefully, successfully back with their families.

Our State can invest in evidence-based programs that have proven to work, and just as this legislation will help us to do, it will make sure that children don't bounce from foster home to foster home on a continuing basis. We will help to keep kids out of the care system and, when possible, place them back safely with families.

Washington State Representative Ruth Kagi, who has been a tireless advocate for this system, said it best:

Title IV-E waivers can help the State move from purchasing specific services to purchasing specific outcomes.

I thank Chairman BAUCUS and Ranking Member HATCH for their timely and innovative work on this legislation. I wish my colleagues could have been at the hearing that was held earlier this year when Senator BAUCUS asked young adults, who had been part of the foster system for their entire lives, how to change the system.

I thank the chairman for taking into consideration the specific improvements and innovations that Washington State has advocated. And I thank my colleague, Representative JIM McDERMOTT, and the Washington State legislators who worked on this, including Partners for Our Children, the Children's Home Society of Washington, and the various social workers and advocates who, in our State, continue to try to innovate when it comes to foster care in America.

This legislation is a major step forward to promote innovation on a Federal basis and to help keep families together. In doing so, we will have the benefit of also driving more efficiency and driving down the cost. But, more importantly, we are going to be working to strengthen America's children and families by trying effectively to keep them together.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### AMERICAN JOBS

Ms. STABENOW. Mr. President, I want to speak for a few moments about what has been happening all week here

in the Senate and in the House of Representatives.

First of all, this year we have seen a terrible string of natural disasters that have shut down businesses and left families homeless across America. As chair of the Agriculture Committee, I am certainly very concerned about the flooding along the Mississippi and Missouri Rivers, and the record droughts that have devastated the livelihoods of men and women who grow our food across America.

In response to that, the Senate, on a strong bipartisan basis, responded to provide the funding for FEMA to help with communities across America, 48 States, to be able to respond and be able to do what we always do as Americans—to be able to step forward and work together and meet these kinds of natural disasters and the help that is needed.

We sent that to the House. The House decided, on the other hand, that they not only would lower the funding amount, even though we know that means multiple times now having to keep churning to work something out, but they have cut the amount. Then they added to it an effort to cut in half a public-private sector effort that is creating jobs.

I know people in Michigan and people across the country would be scratching their heads, saying, Wait a minute. Did I hear this right? We are stepping forward to help families who had their house wiped out or their business wiped out or their farm wiped out or some other horrendous challenge because of natural disasters. In order to help them, the House Republicans are saying we have to cut jobs. That makes absolutely no sense.

I would say that while Michigan was very fortunate that we were not one of the 48 States that has lost, because of weather disasters, homes or businesses or jobs or families, we have had a different kind of disaster that has been going on. It is an economic disaster, it is a jobs disaster.

I find it appalling that, on the one hand, we see strong support on the other side of the aisle to rebuild homes and businesses and roads and schools in Iraq and Afghanistan. We are not saying there, well, gosh, we need to take away an effort to fund jobs or education here at home to be able to fund what we are doing in Iraq and Afghanistan. But when it comes to helping people in America, somehow we can't work together and get that done without having to pit one State which has a jobs crisis against another State which has a flood or a hurricane or a drought. I don't find that to be very American.

I think it is time to stop playing politics. When hundreds of thousands of families and businesses have been devastated by unprecedented strings of floods, tornadoes, hurricanes, wildfires, and other natural disasters, we ought to be stepping up, doing what we did in the Senate and passing a bipartisan bill to help those families, those businesses, those farms, without playing