



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, MARCH 13, 2012

No. 41

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Gracious and merciful God, we praise You that none of Your purposes can be thwarted. You have been our refuge from one generation to another.

Continue to guide our lawmakers along right paths. May they find fullness of joy in Your presence and pleasure forevermore at Your right hand. Today, equip them with what they need to do Your will, working in them that which is pleasing in Your sight. Help them to live today with a sense of accountability to You, understanding that their thoughts, words, and actions are open to Your review.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, March 13, 2012.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A.

COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS 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, following leader remarks, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of S. 1813, the surface transportation act. There will be two rollcall votes in relation to the DeMint and Bingaman amendments at noon. The Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 p.m. there could be as many as 20 rollcall votes this afternoon to complete action on the Transportation bill.

MEASURES PLACED ON THE CALENDAR—H.R. 3606 AND S. 2186

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

A bill (S. 2186) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Mr. President, I object to further proceedings regarding these two bills.

The ACTING PRESIDENT pro tempore. The objection is heard. The bills will be placed on the calendar.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, today we resume consideration of the most important piece of jobs legislation we have had here in a long time; that is, the highway bill. But it is more than a highway bill, it is a surface transportation bill that deals with all aspects of helping our failing bridges, and there are 70,000 of those. Twenty percent of our highways are in nonsafe conditions. We have problems with our mass transportation system, rails, and other such things, so we have to move forward.

Building this Nation's infrastructure with this legislation alone will save or create 2.8 million jobs. This is an effort to build a world-class transportation system that was started during the Presidency of Dwight Eisenhower. Every President since then has recognized the need to go forward with the vision General Eisenhower had. We must renew that commitment. The Presidents in recent years have gone out of their way to do that. President Reagan gave a number of speeches about how important it was that we begin to renew the commitment we should have to infrastructure in this country. President Clinton did the same.

The legislation is very important, and a commitment to the renewal of a vision of General Eisenhower is the essence of this bipartisan bill. It has the endorsement of one of the most conservative Members of the Senate and one of the most liberal Members of the Senate. I was disappointed that it took as long as it did to get where we are, but we are here. We invoked cloture quite a long time ago, and it has taken

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



Printed on recycled paper.

S1583

more than a month to come within sight of the completion of this bill. I am pleased that we are on track to dispense with the remaining amendments and vote on final passage during today's business.

I am hopeful the House will act immediately to pass this bipartisan compromise rather than pursue what we have all read about—an extreme, ideological bill they were considering last month. It failed every test, including the test of their own caucus. The Republican caucus said: No, we cannot do this.

The highway bill is important to the Democratic Members and Republican Members of the House, as it is to Democratic and Republican Members of the Senate. I would hope the Speaker understands it is not good for this country to have a situation where he tries to pass everything with a majority of the majority. What that means is the Republicans have a majority in the House—and I served in the House, and that is not how things were done with Bob Michel, who was the Republican leader at the time, Tip O'Neill, who was the Democratic leader at the time, and Jim Wright thereafter. Bob Michel worked with both of them to get legislation done. What they tried to do was get to the magic number of 218—that is the majority in the House—and they got those votes from Democrats and Republicans. So I hope my friend the Speaker won't just try to get this surface transportation bill done with Republicans. Let the Democrats voice their opinion as to what should happen. That is the way we should do it. Passing a bipartisan transportation bill the President can sign would be a victory for both parties and our country.

The Senate's pressing business doesn't end with completion of this bill. We have a small business jobs bill that was passed overwhelmingly by the House and is supported by President Obama. Last night I had a conversation on the floor publicly with the Republican whip, Senator KYL of Arizona, and we talked about the need to get this done. We are going to move forward on this expeditiously. There are always bumps in the road. I hope there will be very few bumps in the road.

I have not had an opportunity to talk to my friend the Republican leader, but I was told this morning that the ranking member of the Banking Committee, my friend from Alabama, Senator SHELBY, has indicated he wants to make some improvements in the bill we received from the House. I suggest he work with Senator JOHNSON. If they can do something on a bipartisan basis and do it quickly, I will be happy to take a look at it, but we need to move forward. I think you kind of get the message when there are about 390 votes for a bill and 20 against it, so I think we have to move forward.

The one thing I am going to do is have a perfecting amendment prepared that will allow us to move forward on reauthorizing the Ex-Im Bank. I hope

we can do that. It is something that is broadly supported, and the business community thinks it is extremely important. As I mentioned last night, Mr. McNerney, the head of Boeing, said it is a tremendously important bill for the airline industry, which is so important to the economy of our country. It is not only important to the airline industry, it is important to other segments of our industrial base. It is an important piece of legislation, and I hope we can add that to the small business jobs bill. If we can't, I understand, but it would be a shame to miss the opportunity to do that.

We are interested in this IPO bill that has been supported by the House and the President of the United States. I am convinced it will spur small business growth. It will not create the jobs we have on the highway bill, but it is good for job growth. It will bring more capital into the business world, and we have needed that for several years now. It would streamline the way companies sell stock. I look forward to working with my friend the Republican leader to finalize a path forward on this bipartisan legislation.

In the coming days, the Senate must also consider postal reform legislation, reauthorization of the Violence Against Women Act, cybersecurity, and additional measures to create jobs and improve our economy. The only thing preventing the Senate from moving quickly to tackle these items, including the bipartisan small business jobs bill, is what we have had this whole Congress: obstructionism by my friends the Republicans. They have forced the Senate to wait weeks on unrelated amendments to this bill, this bipartisan surface transportation bill. I hope they are not going to hold up progress on the small business jobs bill. I am confident they will not. I really hope that is the case.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, yesterday I filed cloture on 17 consensus judicial nominations. I have worked with the Republicans for months to find a way forward for a timely confirmation for many of these nominees, including some who have been waiting for up-or-down votes since October. Yesterday I had a visual aid—and I will show it during the caucus today—to show what happened in the Clinton years, the Bush years, and the Obama years. It is so clear what has happened. And it really doesn't fully represent what happened because in the Clinton years we had dozens and dozens of nominees who were what we called pocket-vetoed—they just wouldn't hold hearings on them. But with the length of time the judges were reported out of committee—Clinton, a few days; Bush, a few days; and, of course, now we are talking about many months with the Obama nominations—that is not fair. They should all be entitled to an up-or-down vote, especially when they came

out of the committee so overwhelmingly, with rare exception. There is no reason we should eat up even 1 day of precious time the Senate has to pass these commonsense measures when we can do it so quickly.

President Obama's judicial nominees have waited five or six times longer than President Bush's nominations for confirmation, and that time has increased and is not going down. The Senate once confirmed 18 of President Bush's nominations in a single day. There is no justification for obstruction on matters that ought to be routine. There is too much to do. The Senate simply doesn't have the luxury to waste any more time.

RECOGNITION OF THE MINORITY LEADER

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

HOUSE PASSED JOBS BILL

Mr. MCCONNELL. Mr. President, later today the Senate is likely to finish the highway bill, and once we do—I listened carefully to the majority leader's remarks—once we finish the highway bill, we ought to immediately turn to the bipartisan jobs bill that passed the House last Thursday. The vote was 390 to 23. Let me say that again. The vote in the House was 390 to 23. The President also indicated that he would sign the House bill. So it strikes me that with the jobs emergency we have in this country with 8.3 percent unemployment—many more millions of Americans having given up trying to get in the workforce—the thing to do is to pocket this broad bipartisan bill and try to create jobs immediately.

I heard my friend the majority leader indicate that he wants to have a different version of it, to kind of recraft it. All that will do is slow down the process and make it more difficult to get this important jobs legislation to the President's desk rapidly. So I hope the majority leader will reconsider whether we need to kind of reinvent the wheel here. This is already a broadly supported bipartisan bill that the President has said he will sign as soon as we send it to him. I don't know why in the Senate we would want to make something that ought to be pretty simple extraordinarily complicated.

The Democratic-controlled Senate turns to something contentious instead of doing something that almost all of us agree on—certainly in the House—and the President agrees on that would focus on jobs and actually do some good. The American people think we have spent a lot of time spinning our wheels around here. Rather than trying to sort of manufacture gridlock and create the illusion of conflict where none should exist, why don't we demonstrate that we can actually get something done together? In a moment when millions of Americans are looking for work and millions more are