



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, JANUARY 31, 2012

No. 15

Senate

The Senate met at 10 a.m. 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:

Let us pray.

Eternal spirit, You are our only safe haven. Give our Senators this day the courage and strength of spirit to continue to serve You and country. Reinforce within them the belief that with Your help, they can make a substantive difference in their Nation and world. May they refuse to cower in adversity, to compromise bedrock principles, or to turn their backs on those who need them most. Restore in them an equanimity of temperament that can dispel their doubts and fears.

Lord, today we thank You for the nearly four decades of faithful service by Alan Frumin, our Parliamentarian, as he prepares to retire.

We pray this prayer in Your merciful 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2012.

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. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:30 a.m. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will begin consideration of the STOCK Act. Senators will be notified when votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S. 2041

Mr. REID. Mr. President, I am told that S. 2041 is at the desk and is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 2041) to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

Mr. REID. Mr. President, I would object to further proceedings with respect to this bill at this time.

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

RETIREMENT OF ALAN FRUMIN

Mr. REID. Mr. President, for a few weeks in March 2010, Alan Frumin was one of the most talked about men in the entire city of Washington. The Senate was poised to send a historic health care reform bill to President Obama's desk for him to sign, but the usual procedural hurdles stood in the way.

Health care policy staffers were camped out in Alan Frumin's office studying Senate procedure and precedent. But despite the pressure, despite the national spotlight, Mr. Frumin remained calm and professional through what must have been one of the most intense moments of his career. For a very few weeks, every Capitol Hill reporter knew his name for sure. His respectable face was on every political news blog. Every political science professor talked about him. Even a few folks outside the beltway learned what on Earth was a Senate Parliamentarian. What do they do? He was briefly a Washington celebrity. But for those of us who work in the Senate, Alan Frumin has always been a star, even when very few of us knew who he was or what job he did. But it did not take us long after coming to the Senate to learn that quickly.

Alan has served in the Office of the Secretary of the Senate since 1977. In his 18 years as chief Parliamentarian, he has made countless difficult decisions with composure. He has a knowledge of complex rules that certainly would be deemed to be extraordinary. These are rules that are convoluted, and procedures are somewhat unique. But he understands every one of them.

He is, above all, impartial to a fault. I have been upset at Alan a few times when I wished he were not so impartial, but he has always been impartial. That is why he is the only Parliamentarian ever to be hired by both Democratic and Republican leaders to serve in this crucial role. In fact, he was retained in his position despite a change

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



Printed on recycled paper.

S175

of Senate control four times by five different majority leaders.

One cannot be an effective Parliamentarian without being fairminded and judicious, but Alan Frumin also brings to the job a willingness to hear both sides of an argument and consider every side of the issue. He has patience. I have never heard him raise his voice. I never saw him to be agitated. He is always calm and cool. What a wonderful example he is for all of us.

The truth is, Senate Parliamentarians aren't simply appointed, they grow into the job. So I am pleased that the talented Elizabeth MacDonough, who has worked for Alan for a decade, will succeed him. Elizabeth will be the sixth person to hold the job of Parliamentarian since it was created in 1935, and the first woman. She steps into very large shoes.

I will miss Alan's experience and guidance greatly, but I wish him all of the best in his retirement. But he is really not going to retire; he is going to continue to edit Riddick's Senate Procedure, the official book of Senate procedure, and no one is more qualified than Alan to do this.

Congratulations, Alan. Thank you very much for your service.

RECOGNITION OF THE REPUBLICAN LEADER

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

Mr. MCCONNELL. Mr. President, let me also add some words about Alan Frumin. For those who are not aware of what the Parliamentarian does around here, he is sort of like an umpire in a ball game calling balls and strikes. It should not surprise anyone to hear that we have not always agreed on those calls. But it is not an easy job to be an umpire for 100 Senators. It is not easy to keep up with 200 years of precedents. And to Alan's credit, he never hesitates to admit when he thought he got something wrong.

Alan has a deep love for the Senate and the people who make it work. From the elevator operators and the cooks to the most senior Senators, he keeps up relationships with all of them. He cares a lot about this institution, and he has the service to show for it.

As the majority leader indicated, Alan has been here since 1974—longer than all but just a handful of us. So he has really seen it all. We will miss his devotion and his intellect. We are glad he has been able to spend more time with his wife Jill and his daughter Allie. I know they love to travel. Hopefully they will be able to do more of that.

Thank you, Alan, for four decades of service to this institution we all love and admire, and good luck in everything that lies ahead.

STOCK ACT

Mr. MCCONNELL. Mr. President, last night the Senate voted to proceed to

the STOCK Act—a bill, incidentally, that was coauthored by two Republicans. I am glad the majority leader is going to allow amendments for a change. Up until a few years ago, the Senate has been known as a forum for open-ended debate. The minority party may not have always gotten its way, but at least it knew it would always be heard. It is something we have not done nearly enough of in these past few years. I hope it does not prove to be a false promise. I expect Senators on both sides of the aisle will have a number of amendments to this legislation.

But one thing that stands out is the fact that the President is calling on Congress to live up to a standard he is not requiring of his own employees. So I think we can expect at least one amendment that calls on executive branch employees to live up to the same standards they would set for others. If the goal is for everyone to play by the same rules, that should not mean just some of us, and it certainly should not leave out those in the executive branch who, after all, have access to the most privileged information of all.

So the goal in the course of this floor debate will be to make sure the executive branch—those most likely to take advantage of insider information—is fully and adequately covered by this regulation.

But let's be clear. President Obama is not interested in this bill because it would address the Nation's most pressing challenges. Of course it will not. He is interested in it because it allows him to change the subject. The more folks are talking about Congress, the less they are talking about the President's own dismal economic record. Frankly, for a President who has presided over a 43-percent increase in the national debt in just 3 years and the stain of the first ever downgrade of America's credit rating, I can certainly understand why he would want to change the subject. I can see why he would rather be talking about Congress or the Super Bowl or the weather or anything other than his own failed economic policies. But the problems we face are too grave and too urgent, and every day the President spends time trying to change the topic instead of changing the direction of the economy is another day he is failing the American people who elected him.

Now, the President can pretend he just showed up. He can try to convince people, as he tried to do this weekend, that the economy is moving in the right direction, but he is not fooling anybody. Americans know we are living in an economy that has been weighted down and held back by legislation he passed with the help of a big Democratic majority in each House of Congress. Americans know we are living in the Obama economy now—we are living in the Obama economy right now—and they are tired of a President who spends his time blaming others for an economy he put in place. They want the President to lead.

I have yet to see a survey in the past year that shows Americans agreeing with the President on the direction of the country or the economy. The ones I have seen all say the opposite. Wide bipartisan majorities believe the country is on the wrong track.

For small business owners, the people we are counting on to create jobs in this country, the numbers are even starker. According to a recent survey conducted by the U.S. Chamber of Commerce, 85 percent—85 percent—of small business owners say the economy is on the wrong track. Eighty-four percent of them say the size of the national debt makes them unsure about the future of their businesses. Eighty-six percent worry that regulations, restrictions, and taxes will hurt their ability to do business. Just about three-quarters of them say the President's health care bill will make it harder for them to hire. In other words, it is a huge drag on job creation.

If I were the President, I would probably rather be talking about Congress too. I understand why he would rather be talking about what Congress may or may not do rather than what he has already done. He would rather be talking about what Congress may or may not do rather than what he has already done. But he has a job to do. He was elected to do something about the problems we face, not blame others for our problems. He was elected to take responsibility for his own actions, not pretend they somehow never happened.

Today the Congressional Budget Office will release an annual report on the Nation's finances. We do not know all the particulars, but I can tell you this: It will not paint a very rosy picture. Our fiscal problems are serious, and every day that the President refuses to address them, they become harder to solve.

So my message to the White House this morning is simple: It is time to lead.

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 until 11:30 a.m., 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 controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

RETIREMENT OF ALAN FRUMIN

Mr. DURBIN. Mr. President, many years ago when I graduated from