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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.

Eternal God, thank You for Your faithful love. You are the one who instructs nations and shapes the destinies of humankind. Help our lawmakers today to grow in grace and in the knowledge of You. Equip them to be servants of the people so that day by day our citizens may more clearly reflect Your image. Grant that our Senators will shine as lights in this dark world to lead others to You. May they love expectantly, knowing that You will provide serendipities, wonderful surprises of Your goodness, to help them navigate through life's inevitable challenges.

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, June 12, 2012.

To the Senate:

Under the provisions of rule I, 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.

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session.

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

SCHEDULE

Mr. REID. The Senate is considering the nomination of Andrew Hurwitz of Arizona to be a United States circuit judge for the ninth circuit postcloture. There is every expectation that time will be yielded back and the confirmation will take place soon.

The Senate will recess from 12:30 to 2:15 to allow for our weekly caucus meetings.

Senator STABENOW and Senator ROBERTS are working on an agreement for amendments on the farm bill and we will notify Senators if an agreement is reached.

MEASURE PLACED ON THE CALENDAR—H.R. 436

Mr. REID. Mr. President, H.R. 436 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

Mr. REID. I now object to proceeding further on this matter at this time.

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

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

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

The legislative clerk proceeded to call the roll.

RECOGNITION OF THE MINORITY LEADER

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

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.

AMENDING THE FARM BILL

Mr. MCCONNELL. Mr. President, last week the President said the private sector is "doing fine." Well, the fact is the private sector isn't doing fine and the President's comments make me wonder what private sector he may be talking about.

Since he took office, we have had 40 straight months of unemployment of over 8 percent and more than 23 million Americans are either unemployed, underemployed, or have given up looking for a job altogether. Last month's job report said the economy added only 69,000 jobs—far below what forecasters had predicted. That is the Obama economy, and it is not doing fine.

With the debt the size of our GDP, the President's recent push for even more government spending is equally out of touch. Taking more money out of the private sector, out of the hands of businesses and job creators or borrowing it to pay for yet another stimulus has consequences. We need to reduce the size and scope of government,

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



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not expand it. We need to put in place a progrowth policy to allow the private sector to flourish.

That is why Republicans have been calling for years for comprehensive tax reform and for both parties to sit down and begin the process of reforming entitlements. That is how we will get our fiscal house in order and help the economy grow as well. But without Presidential leadership, it simply can't happen.

Controlling only one Chamber, Republicans in Congress can only do so much. The Republican-led House has passed budgets while, for 3½ years, the Democratic-led Senate has refused to do so. And they have passed 28 job-related bills over in the House that our Democratic friends here in the Senate refuse to take up. For our part, Senate Republicans will continue to pursue a pro-jobs agenda, and I encourage our Democratic friends to join us before the administration's spending and debt spree forces us into the sort of economic spiral we currently see facing folks over across the Atlantic. They can start by working with Republicans on our commonsense amendments to the farm bill.

The President may think the private sector is doing fine or that the government isn't big enough, but those in rural America are definitely not doing fine. The biggest threat to farmers in Kentucky and across America is this administration's job-killing regulations. That is why Republicans are calling for votes on commonsense amendments that would either eliminate or prevent future job-killing regulations from going into effect which would provide the necessary relief for American farmers and give a boost to rural America in these challenging economic times.

Last year, while visiting Atkinson, IL, the President blew off one farmer when he asked about policy regulations. The President said, "Don't always believe what you hear." Either the President doesn't know what his administration is doing or he doesn't want the American people to know it is his policies that are hurting farmers all across the country. It is either one or the other.

Here are a few examples of this administration's policies that are suffocating the American agricultural industry and the Republican amendments we want the Senate to take up.

Last fall, the Department of Labor attempted to regulate the relationship, believe it or not, shared between parents and their kids on family farms. The proposed rule would have prohibited those under age 16 from manual labor such as stall cleaning, using a shovel, and using a battery-operated screwdriver. Many people in my State consider this the type of manual labor that is widely referred to as Saturday morning chores. Senator THUNE is offering an amendment that would require the Department of Labor to consult with Congress before implementing such regulations.

The EPA wants to lift the ban that prevents Washington, DC, bureaucrats from regulating nonnavigable waters. The expanded Federal jurisdiction would bring the EPA and their redtape and taxes into the backyards of millions—literally millions—of Americans. The economic impact would be disastrous.

Congress passed a navigable ban to protect families, small businesses, and farmers from Washington bureaucrats trying to seize control of their water or their land. The U.S. Supreme Court twice affirmed the limits of Federal authority under the Clean Water Act. But, apparently, the EPA believes they are above the other two branches of government, and Senators PAUL and BARRASSO are offering two amendments that would stop the EPA in its tracks.

The EPA is considering a regulation that would require farm and ranch families to take as yet undefined measures to lower the amount of dust that occurs naturally—I am not kidding—lower the amount of dust that occurs naturally and is transmitted into the air due to agricultural production activities. It is hard to go through this and maintain one's composure. These activities include such things as combining, haying, moving cattle, tilling a field, or even driving down a gravel road. Failure to do so would result in a substantial fine. Senator JOHANNIS is offering an amendment that would prevent the EPA from issuing any new rule that regulates agricultural dust. I kid you not, they want to regulate agricultural dust.

Finally, Senator CRAPO and Senator JOHANNIS are offering an amendment that would help farmers across the country continue to manage their unique business risks associated with their day-to-day operations. The amendment would prevent unnecessarily diverting capital away from job creation and investing in their businesses in a way that was never intended by the sponsors of the Dodd-Frank Act. Preventing this unnecessary burden would promote economic growth, protect farmers and businesses, and ultimately help save American jobs.

In these extremely difficult economic times, rural America is already struggling to get by and it simply can't be bothered by an overreaching Federal Government that has literally no idea of the unintended consequences of its policies.

These five commonsense Republican amendments I have outlined, along with several others, put an end to numerous job-killing regulations, and each of these amendments deserves a vote.

I now wish to address another matter.

(The remarks of Mr. MCCONNELL and Mr. REID pertaining to the introduction of S.J. Res. 43 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. REID. Mr. President, I will take my time now and talk about a number of things.

JOB CREATION

The first thing I wish to mention is that my friend the Republican leader talked about the fact that the President has not done enough to create jobs.

Mr. President, we all have heard that longstanding joke—in fact, it was not a joke. I represented a young man who murdered his parents, and the joke during that period of time was, I guess now your defense is going to be that he is going to claim he is an orphan. There was nothing novel or new or unique in the experience I had representing that young man who had killed his parents, but the Republican leader's remarks remind me of that. He is saying that the problem with this country is President Obama. That is like the fact that someone kills their parents and then claims they are an orphan.

Republicans have blocked bill after bill after bill. These pieces of legislation have been suggested by, introduced by friends of President Obama. These were all job-creating bills, and simply every one of these, with rare exception, has been stopped on a procedural basis by the Republicans.

Then the Republican leader cites nonrelevant Republican amendments they would like to offer on the farm bill as ways to create jobs. But it is precisely these nonrelevant, non-germane amendments that keep the Senate from doing its work—its job-creating work—like the farm bill. The farm bill involves 16 million people who work doing farm programs. We have not done one in 5 years. The highway bill is something we are waiting for Republicans in the House to move with us on.

So I would just simply say that we live in a world that is imperfect. We live in a country that is imperfect. But let's give credit where credit is due. President Obama and this administration found themselves in a terribly deep hole when he was elected 3½ years ago. The administration he replaced lost more than 8 million jobs—about 1 million jobs a year in the prior administration. And President Obama has had 27 straight months of private sector job creation. So I think we deserve and he deserves some credit for the work he has done in that regard.

So I really strongly object to the Republican leader's remarks. It is just simply wrong. And if we had some cooperation from my friends on the other side of the aisle, as we say, we would have a lot more jobs created in this country. But my friend has said that his No. 1 issue is to defeat President Obama, and that is what has happened here. We simply have not been able to legislate appropriately because that is their mantra.