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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.

Gracious God, You have been faithful to help us when we have lifted our hearts in prayer. Thank You for Your providential care of this legislative body. Open the eyes and hearts of our lawmakers so that they will know and do Your will. Lord, guide them in the way they should go, providing them with wisdom to solve challenging problems by depending on Your guidance. Help them to think of each other as fellow Americans seeking Your best for our Nation rather than enemy parties seeking to defeat each other. Replace distrust in each other with a deep commitment to creative compromise.

We pray in Your sacred 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 26, 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.

SCHEDULE

Mr. REID. Mr. President, we are currently considering the motion to concur in the House message to accompany the FDA bill postcloture. We hope to work something out on that so that we can move to it early evening.

The first hour of debate this morning will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of Robin Rosenbaum to be a district judge for the Southern District of Florida.

At noon there will be a rollcall vote on confirmation of the Rosenbaum nomination.

The Senate will recess today from 12:30 to 2:15, as we normally do on Tuesdays, for our weekly caucus meetings.

At 2:15 there will be 6 hours 15 minutes remaining on the motion to concur in the House message with respect to the FDA bill. We hope that a significant amount of time can be yielded back and that we can complete action on the bill today.

There is an all-Senators briefing at 5 o'clock. We are going to continue—that time will run. We are not going to recess during that period of time. That will be in the classified room down in the Visitor Center.

We have accomplished a lot. Everyone knows how grateful I am to Senators STABENOW and ROBERTS for working their way and our way through that very difficult farm bill.

We are watching very closely the great work of Senator BOXER, Senator INHOFE, the Finance Committee, the Commerce Committee, and the Banking Committee on helping us work through the highway bill. There is a possibility that we can get that bill done. I think the chances today are better than 50-50 that we can get a bill done, but we are still looking at Speaker BOEHNER to help us get that over the finish line. So we will see what happens on that.

As I have indicated, the FDA bill—we will complete that tonight. That is a very important accomplishment for us.

We have the student loan issue, and we are working on that. We hope to get that done soon. I think there is a general feeling that we have worked out a compromise on that that is acceptable, with the help of Senator BAUCUS, Senator HARKIN, and others. JACK REED, of course, has led the charge on that for some time.

I have talked about the highway bill. We need to get that done.

The remaining issue is flood insurance, and we are doing fine on flood insurance, except I was told last night that one of the Republican Senators wants to offer an amendment—listen to this one—wants to offer an amendment on when life begins. I have been very patient in working with my Republican colleagues and allowing relevant amendments on issues, and sometimes we even do nonrelevant amendments but, really, on flood insurance, are we going to have to start dealing as we did with the highway bill for weeks and weeks with contraception? Now we have another person who wants to deal with when life begins.

I don't understand what this is all about, but I want everyone to know that this flood insurance bill is extremely important. The big pushers of

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this bill are Republican Senators, veteran Republican Senators, and they better work on their side of the aisle because I am not going to put up with that on the flood insurance bill.

I can be condemned by outside sources. My friends can say: Let him have a vote on it. There will not be a vote on that on flood insurance. We will either do flood insurance with amendments that deal with flood insurance or we will not do it. We will have an extension. After all of the work that has been put into this bill, this is ridiculous, that somebody says: I am not going to let this bill go forward unless I have a vote on when life begins. I am not going to do that, and I think I speak for the majority of Senators.

Now, if the Republicans will not stand up to the person who is going to do that, I am not going to. I have tried my best to deal with these issues that have nothing to do with a piece of legislation, but with the end of the month staring us in the face we have too many important things we have to do. Student loans will be doubled if we do not get that done. Flood insurance will disappear if we do not get it done. The highway program will disappear if we do not get it done. The FDA bill—it will create all kinds of problems, if we do not get that done.

I think this is outlandish. It somebody feels really moved upon to talk about when life begins, have them come and give a speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 3187, an Act to amend the Federal Food and Drug and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 2461, to change the enactment date.

Reid amendment No. 2462 (to amendment No. 2461), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions.

Reid amendment No. 2463, to change the enactment date.

Reid amendment No. 2464 (to (the instructions) amendment No. 2463), of a perfecting nature.

Reid amendment No. 2465 (to amendment No. 2464), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the fol-

lowing hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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. MORAN. 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.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

PUTTING AMERICA TO WORK

Mr. MORAN. Mr. President, we have had a lot of news in Washington, DC, and across the country over the last few days. There was a decision from the Supreme Court regarding immigration laws in Arizona. We are expecting and anticipating a decision by the Supreme Court later this week regarding the Affordable Care Act. Front and center are issues that are important to the country.

We were successful last week in approving on the Senate floor a so-called farm bill, an agricultural bill that, again, has an impact upon many in our Nation. I want to make certain we don't lose sight of what remains and, in my view, what should be front and center.

All the things people ask government to do and all the things they want to accomplish in their own lives can only occur if there is a good and growing economy in the United States. So while I certainly would not call any of the other issues we are addressing here a distraction—they are all important—I want to make certain my colleagues understand we have to come together to make certain that Americans, individuals across our country, can access a job, can feel secure in the job they already have, and can have a sense that they have a future where they are employed or that if there is a need for a change in job, that opportunity exists. Job creation is something the Federal Government cannot do in and of itself, but the decisions we make here affect very much whether the private sector can have a level of confidence in the general economy, a regulatory environment, and a Tax Code that is conducive toward the private sector, creating jobs in the United States economy.

This matters, certainly from my point of view as a Member of the Senate, in that with job growth, with a growing economy, we are better able to pay down our national debt. In my view, if we are going to get what I consider the most serious circumstance our country faces today—the deficit and the debt—under control, I don't

foresee how that happens without a good growing economy, putting Americans to work.

Of course, from an individual's point of view, it is important as a component of our lives—something that is important to us, which is that we figure out how to earn a living, put food on the table, save for our kids' education, and save for retirement.

The issues being addressed in the Senate, across the country, and across the street at the U.S. Supreme Court matter so much. We must not and cannot lose sight of the fact that we have to create an environment where jobs are front and center. We know the economic statistics—the unemployment rate is 8.2 percent and has been above 8 percent now for a long time. The Presiding Officer in the Senate this morning and I have introduced legislation the primary function of which is to create an entrepreneurial environment where startup companies can grow and prosper, and, in the process, they can put people to work. It is growth that we need to continue to focus on. I appreciate the opportunity of working in that manner with the Senator from Delaware, Mr. COONS, and others, to see that we do that.

The topic I want to specifically address this morning is this. I was reading the Wall Street Journal last week, and this article caught my attention. I am of the view that for economic growth to occur—and especially in communities across Kansas, the State I represent—we are going to have to have strong and viable community banks. There is a regulatory environment that makes that much more difficult. The headline of the article the Wall Street Journal included that I want to speak about—at least briefly—this morning is this: “Small Banks Put Up ‘For Sale’ Sign.”

The content of the article is very much about how small banks are now selling to other banks. The primary focus of this article is the reason that is happening—“a growing number of tiny community banks are deciding it's time to put out the ‘for sale’ sign . . . many executives of these small lenders are frustrated by costly new regulations.”

It talks about banks in Iowa, in Ohio, in Texas, and it talks about a number of banks in which the bank or the individuals who own the bank never had an intention of selling. This was their livelihood and what they expected to pass on to the next generation, the next set of stockholders. Because of the regulatory environment, the article quotes them talking about how it is no longer any fun. A 66-year-old CEO is quoted as saying:

I don't run a bank anymore. I run around trying to react to regulation and, frankly, that's no fun. This is certainly important for the people who own and run a bank, but it matters in communities in my State that there is access to a local lender, a relatively small financial institution that knows its customers, and that the farmer, rancher, and small business person have the opportunity