



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, TUESDAY, MARCH 29, 2011

No. 43

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Almighty God, who has made and preserved us as a nation, make our lawmakers people of high vision and steadfast fidelity to Your wisdom. Use them to lift the banner of righteousness which exalts a nation. As they work together, deepen their understanding of one another's perspectives so that they will treat their colleagues as they would want their colleagues to treat them. Purge them from all that blemishes, corrupts, and defiles our common life. Heal our land, Lord, and use our Senators as agents of Your healing.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a

Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN 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. Madam President, following any leader remarks, there will be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each, the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of S. 493, the small business jobs bill. The Senate will recess from 12:30 until 2:15 to allow for weekly caucus meetings. Rollcall votes in relation to amendments to the small business jobs bill are possible today. Senators will be notified when votes are scheduled.

We have 10 amendments now pending. I spoke yesterday afternoon to the Republican leader, and I think we are in good shape now to hopefully resolve the 1099 matter this afternoon. We are looking forward to having a consent agreement we can vote on. I think we are at a point where, in the morning, we can vote on the McConnell amendment dealing with EPA and a couple other amendments relating to EPA to get rid of that issue one way or the other.

There are other matters with the bill we would like to set up votes on, and if people are willing to allow us to do that, we could do some of those this afternoon. But we are making progress on this very important bill. With all

the amendments being offered, we sometimes lose sight of the fact that this bill, which has been led by Senators LANDRIEU and SNOWE, is an extremely important bill for creating jobs with small businesses. It is an innovation bill, and the programs this bill covers have done some tremendously important things for the country.

With the CR, I spoke with the White House this morning, and there are conversations going on with the White House and the Republican leadership in the House, and I think this matter, with a little bit of good fortune, could move down the road in the next day or two to get us to a point where we could have something done so there doesn't have to be a government shutdown. I certainly hope that is the case.

RECOGNITION OF THE MINORITY LEADER

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

ENERGY TAX

Mr. MCCONNELL. Madam President, as lawmakers return to Washington this week, we did so against the backdrop of many world crises. From recovery efforts in Japan, to battles everywhere from Afghanistan to Libya, to an unfolding economic crisis in Europe, the scope and intensity of world events in recent months has been nothing short of breathtaking.

Yet in the middle of all this, it is important we not lose sight of the struggles and concerns of so many around us here at home. At a time when roughly 1 in 4 American homeowners owes more money on their mortgage than their home is worth, at a time when nearly 1 in 10 working Americans is looking for a job, at a time when the Federal debt has reached heights none of us could have even imagined just a few years

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



Printed on recycled paper.

S1907

ago, now is not the time to lose focus on the paramount issue on the minds of Americans every day, and that is the very real crisis we face when it comes to jobs.

Americans look around them and they see neighbors and friends struggling to find work. Yet all they seem to get from the White House are policies that handcuff small businesses with burdensome new regulations and red-tape and that create even more uncertainty about the future, including the administration's inexplicable and inexcusable inaction on trade deals that would level the playing field with our competitors overseas.

They are tired of it. Americans are tired of the White House paying lip-service to their struggles while quietly promoting effort after effort, either through legislation or some backdoor regulation, that makes it harder, not easier, for businesses to create new jobs. But the administration outdid itself last week, when the President told a Brazilian President the United States hopes to be a major customer in the market for oil that Brazilian businesses plan to extract from new oil finds off the Brazilian coast.

We can't make this stuff up. Here we have the administration looking for just about any excuse it can find to lock up our own energy resources here at home, even as it is applauding another country's efforts to grow its own economy and create jobs by tapping into its energy sources.

For 2 years, the administration has canceled dozens—dozens—of oil and gas leases all across America. It has raised permit fees. It has shut down deep-water drilling in the gulf. It would not even allow a conversation about exploring for oil in a remote 2,000-acre piece of land in northern Alaska that experts think represents one of our best opportunities for a major oil find. It continues to press for new regulations through the Environmental Protection Agency that would raise energy costs for every business in America and lead to untold lost jobs for more American workers.

In other words, in the midst of average gas prices approaching \$4 a gallon and a chronic jobs crisis, the White House plans to make the climate for job growth worse. That is why Republicans, led in the Senate by Senator INHOFE, have proposed legislation to prevent the new energy tax from ever taking effect without congressional approval. The Wall Street Journal has called the amendment we are proposing "one of the best proposals for growth and job creation to make it onto the Senate docket in years."

Our amendment would assure small businesses across the country that they will not be hit with yet another costly new job-stifling burden by Democrats in Washington. It will give voters the assurance that a regulation of this kind, which would have a dramatic impact on so many, could not be approved without their elected representatives

standing and actually voting for it. At a time of rising energy prices, it would prevent Democrats in Washington from adding even more pressure to energy prices than they already have out of fealty to special interests that would rather we buy our energy from overseas than find and use the bountiful resources we already have right here at home.

I wish to thank Senator INHOFE, once again, for leading us on this issue. His bill, upon which my amendment is based, has 43 cosponsors. He deserves the credit. He has been a fierce and tireless advocate not only for American energy but also against new EPA regulations that would sidestep the legislative process. I thank him for his work, along with the great work Senators MURKOWSKI and BARRASSO have done, in educating the American people about these issues.

At a time when Americans are looking for answers on the economy, this amendment is as good as it gets from Washington. By voting for it, we would be saying no to more regulations and red-tape and we would be saying yes to American job creators and to the jobs they want to create. I urge my colleagues in both parties to support it.

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 for 1 hour, 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.

Mr. McCONNELL. Madam 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. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I rise to speak on the current state of partisan budget negotiations.

For weeks now, the offices of the Senate majority leader, the House Speaker, and the White House have been engaged in serious talks seeking a long-term budget agreement. It has been a long hard process. There have been a lot of fits and starts in the negotiations. But it is no exaggeration to

say that as of last week talks were on a smooth path toward a compromise. The Speaker's office was negotiating in good faith. The parties significantly narrowed the \$51 billion gap on how much spending should be cut. House Republican leaders had agreed to come down from H.R. 1 and meet us halfway. We could begin to see light at the end of the tunnel.

But suddenly, at the end of last week, House Republicans did a strange thing: They pulled back from the talks. They changed their minds about what level of spending cuts they could accept. We were on the verge of a potential breakthrough, and they suddenly moved the goalposts. We felt a little bit like we were left at the altar. Not only did they abandon the talks, they started denying that they were ever close to a deal in the first place. Majority Leader CANTOR issued a statement Friday saying that reports that progress was being made were "far-fetched." It was as if they decided that even the appearance of a looming compromise was a political liability. It was surreal.

It is no surprise what happened. The headline of today's story in the National Journal says it all:

With Revolt Brewing, GOP Backs Off Deal.

Let me repeat that because that is really what is going on here and the news of the day in the last few days:

With Revolt Brewing, GOP Backs Off Deal.

The story reads:

Concerned about a revolt by the conservative, tea party-wing of the party, GOP leaders have pulled back from a tentative deal to cut roughly \$30 billion in cuts from current spending levels. The influence that tea-party conservatives now exercise over the process put the chances of a compromise seriously in doubt.

The story continues:

The GOP pulled back from that agreement last week after House Majority Leader Eric Cantor, R-Va., and Majority Whip Kevin McCarthy, R-Calif., warned House Speaker John Boehner, R-Ohio, that the deal would trigger a revolt from tea-party conservatives.

In other words, as soon as House Republican leaders took one step toward compromise, the tea party rebelled, so they took two steps back.

The National Journal story describes an offer that was put on the table by the White House that would have met House Republicans halfway. The offer falls squarely in the ballpark of Congressman RYAN's original budget proposal with roughly \$70 billion in spending cuts compared to the President's budget request. This is a significant move in the Republicans' direction. These are more cuts than many on our side might support, but it shows how seriously the White House is about wanting a compromise to avert a shutdown. If they are planning to reject such an offer, it is clear they won't take "yes" for an answer and are seeking a shutdown. The Republican leadership in the House, with the tea party breathing down their back, won't take