



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, MONDAY, MAY 9, 2011

No. 62

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 10, 2011, at 12 noon.

## Senate

MONDAY, MAY 9, 2011

The Senate met at 2 p.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.

Merciful God, take possession of our hearts so that we will do Your will. Use us for Your glory as beacons of light and inspiration in our Nation and world. We desire for Your name to receive the honor it is due. So show us Your ways and teach us Your path. Lord, be gracious to the Members of this body, showering them liberally with Your wisdom. Let Your love fill and rule their lives, preparing them for that bliss You will give to those who love You.

We pray in Your great 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 9, 2011.

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 the ceremony that will take place very shortly, and following any leader remarks, the Senate will be in morning business until 4:30 p.m. At that time there will be 1 hour of debate on the nomination of James Cole to be Deputy Attorney General. At approximately 5:30, there will be a cloture vote on the Cole nomination.

Last week, we were able to enter into a consent agreement on the nomination of Edward Chen. We expect to vote on this nomination sometime this week.

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.

Mr. REID. 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.

### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Sen-

ator John Ensign of Nevada. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEVADA  
Executive Department  
CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Nevada, I, Brian Sandoval, the governor of said State, do hereby appoint Dean Heller a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of John Ensign, is filled by election as provided by law.

Witness: His excellency our governor Brian Sandoval, and our seal hereto affixed at Carson City, Nevada, this third day of May, in the year of our Lord 2011.

By the governor:

BRIAN SANDOVAL,  
Governor.  
ROSS MILLER,  
Secretary of State.

[State Seal Affixed]

### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designate, DEAN HELLER, escorted by Mr. REID, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

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



Printed on recycled paper.

S2755

The VICE PRESIDENT. Congratulations.

Mr. HELLER. Thank you very much. (Applause, Senators rising.)

Mr. UDALL of New Mexico. 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. REID. 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.

---

#### MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. Mr. President, I am told that H.R. 3 is at the desk and 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 (H.R. 3) to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

Mr. REID. Mr. President, I would now object to any further proceedings at this time.

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

---

#### SCHEDULE

Mr. REID. Mr. President, every time we have a peaceful transfer of power at any level of our government, it speaks to the strength of our democracy. Today is no different.

Today, Nevada welcomes our newly appointed Senator, DEAN HELLER—until a few minutes ago, Congressman HELLER—to this side of the Capitol. Nevada is still reeling, more than most, from the Wall Street recession that crashed our housing and jobs markets. I look forward to working with our new junior Senator to make the tough choices that will help our State and our citizens recover.

The Senate will soon confront one of those tough choices. We will continue our conversation about how to save taxpayer money and lower our Nation's deficit and debt. We have to recognize that we cannot do either so long as we keep giving away money to oil companies that clearly do not need taxpayer handouts. As gas prices and oil company profits keep rising, each Senator will soon have the opportunity to stand with the millionaires or with the middle class.

Also, today the Senate will vote on whether to advance the nomination of the Attorney General's top deputy, Jim Cole. The Deputy Attorney General runs the day-to-day operations at the Department of Justice. He also supervises the National Security Division and makes critical decisions each day

that affect the safety of our great Nation. For instance, Jim Cole is one of the only people at the Department of Justice who can sign the critical warrants that permit our intelligence officials to conduct surveillance on suspected terrorists.

In the last week, our country has been reminded of the incredibly important role our intelligence community plays. It is unthinkable that partisanship and legislative ploys are keeping a public servant as well qualified as Jim Cole out of this important national security role. I hope the Senate will confirm him quickly this evening.

---

#### RECOGNITION OF THE MINORITY LEADER

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

---

#### WELCOMING SENATOR HELLER

Mr. MCCONNELL. Mr. President, first, we just swore in our new colleague, DEAN HELLER. The majority leader is giving a reception for him this afternoon. We hope many Members will take the opportunity to go by and welcome him to the Senate.

---

#### GAS PRICES

Mr. MCCONNELL. Mr. President, I am going to devote my leader time this afternoon to an issue which may not be on the Democrats' legislative agenda this week but which is certainly on the minds of most Americans every day. I am referring, of course, to the high cost of gasoline. All across the country, people are suffering from the runup in gas prices we have seen over the past few months. It is squeezing family budgets, tightening margins at already struggling small businesses, and it poses a mortal threat to any economic rebound.

This is a critical issue. Americans are looking for answers. Yet all they are getting from the President and the Democratic leaders in Congress are gimmicks and deflection. We have seen this before. Every time gas prices go up, Democrats claim there is nothing they can do about it. Then they propose something completely counterproductive just to quiet their critics. This time, it is a tax increase. That is the Democratic response to high gas prices—a tax hike.

Well, the first thing to say about this proposal is that it will not do a thing to lower gas prices—not a thing. In fact, raising taxes on American energy production will increase the price of gas. Oh, and it would also make us even more dependent on foreign sources of oil. Now, that is not my view. That is the view of the independent Congressional Research Service, which concluded in March that the Democrats' proposed tax increase on energy production would “make oil and

natural gas more expensive for U.S. consumers and likely increase foreign dependence.” It sounds like a brilliant strategy to me.

Beyond raising taxes, Democrats insist there is nothing they can do about gas prices, but I think most Americans feel differently. I think most Americans believe it is time to stop talking about what we cannot do and start talking about what we can do. If the President and Democrats in Congress are truly serious about lowering gas prices and making us less dependent on foreign sources of oil, here are a few suggestions.

First, if ever there was a moment to develop our resources here at home, it is now. For decades, Democrats have resisted efforts to tap our American resources. Then when gas prices go up, they tell us how many years it would take to get the product to market. It is time to take this excuse off the table by breaking the cycle.

Second, Democrats need to allow energy companies to cut through the bureaucratic redtape that prevents companies that are authorized to explore here from getting to work and putting thousands of Americans back to work.

Third, they need to stop penalizing America's producers with new fees and threats of tax hikes, which only drive energy companies overseas and help our foreign competitors and create jobs in places such as Venezuela. And they need to call an end to the anti-energy crusade of the EPA.

In short, Democrats need to throw away the old playbook—throw that one away—and face this crisis with a new kind of creativity, independence, and common sense that the American people are demanding.

Democrats need to stop deflecting attention from their own complicity in our Nation's overdependence on foreign oil. They need to stop paying lip service to the need for American exploration while quietly supporting efforts to suppress it. They need to end an approach that has not changed, frankly, since the days of Jim Carter. Just like Carter before them, today's Democrats are using the crisis of the moment as an excuse to push their own vision of the future with a “windfall profits tax” on energy companies. And just like Carter before them, they have rightly been accused of bringing a BB gun to the war.

This is a serious crisis. It is time for serious solutions—solutions that create jobs instead of moving them overseas, solutions that decrease our dependence on foreign sources of oil rather than increase it, solutions that offer relief rather than mere rhetoric.

Mr. President, I yield the floor.

---

#### RESERVATION OF LEADER TIME

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