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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal unchanging God, You are our rock, our fortress, and our stronghold.

Empower our lawmakers to change in ways that will render them more faithful to Your will and more responsive to Your call. May they develop such moral and ethical fitness that they will clearly comprehend Your desires and be eager to do Your will. As they grow in grace and in knowledge of You, deliver them from the bonds of anxiety, as You turn their spirits toward the light of Your presence.

May the knowledge of Your blessings to our Nation bring us all to a deeper commitment to You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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, December 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico 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 any leader remarks, there will be a period of morning business. Senators will be allowed to speak for up to 10 minutes each during that time. Republicans will control the first 30 minutes, and the majority will control the final 30 minutes. We are going to recess from 12:30 until 3:30 today to allow for a caucus the Democrats are having.

MEASURES PLACED ON THE CALENDAR—S. 3991 and S. 3992

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 3991) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

A bill (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and entered the United States as children and for other purposes.

Mr. REID. Mr. President, I object to any further proceeding with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the

bills will be placed on the calendar under rule XIV.

LEGISLATIVE PROGRESS

Mr. REID. Mr. President, last night we began the rule XIV process on two important bills—the DREAM Act and Firefighters Collective Bargaining.

It had been my intent to file cloture on both of these bills. However, supporters of the original bills requested that modifications be made.

Those changes are reflected in the bills we introduced last night, and I intend to move forward on both of these.

In addition, I intend to file cloture this week on the 9/11 health bill. So I will file cloture on all three at the same time.

The current continuing resolution expires this Friday. We are awaiting House action on short term CR which we will receive later this week.

I hope Members on both sides of the aisle will allow us to act quickly on this short term CR when we receive it.

As we work to clear the short term CR, the House and Senate Appropriations Committees are working on legislation to fund the government for the remainder of the fiscal year.

Earlier this morning, I received a letter from my Republican colleagues indicating they will filibuster any legislative matter brought to the floor prior to the completion of the spending and tax bills. No one is more eager to put both these issues behind us than I; however, passing either will require Republican votes. I wish I could report we are close to wrapping up action on both bills, but we are not.

The first meeting that was requested by the President is taking place this morning. Senator MCCONNELL chose Senator KYL to represent Republicans. I chose the chairman of the Finance Committee, Senator BAUCUS, to represent Democrats. So they are moving forward on that to see if there is something that can be worked out. My Republican colleagues knew this, as they

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



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drafted this letter; therefore, they also know that the true effect of this letter is to prevent the Senate from acting on many important issues that have bipartisan support. With this letter, they have simply put in writing the political strategy the Republicans have pursued this entire Congress; namely, obstruct and delay action on critical matters and then blame Democrats for not addressing the needs of the American people. It is cynical but obvious and transparent.

We must move forward on matters of importance. We have numerous judges who need to be taken care of. I am trying to work something out with the Republican leader on those. I hope everyone understands there are issues we need to deal with. There are meetings going on as we speak to try to help us move forward and to allow us to complete action at the earliest possible date.

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, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and Democrats controlling the next 30 minutes.

Mr. REID. I suggest the absence of quorum and ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

CONGRESSIONAL PRIORITIES

Mr. McCONNELL. Mr. President, for the last 2 years, Democratic leaders in Washington have spent virtually all of their time ticking off items on the liberal wish list while they have had the chance: government-run health care, a national energy tax, financial regulations, bigger government, bigger deficits, union bailouts, government takeovers. So here we are, with just a few weeks left in the session, and they are still at it.

Last month, the American people issued their verdict on the Democratic priorities. Democrats have responded by doubling down. For 2 years, they legislated as if they were not in the middle of a national jobs crisis, and now they are legislating as if they do not realize the government is about to run out of money and every taxpayer in America is about to get slammed with a giant tax hike.

With just a few weeks to go before the end of the session, Democrats continue to place their priorities over the priorities of the American people. These are the things Democrats have chosen to do instead of preventing a massive tax hike that economists tell us would stifle the economy.

Republicans have pleaded with Democrats to put aside their wish list, to focus on the things Americans want us to focus on. They have ignored us. The voters repudiated their agenda at the polls. They have ignored them. Time is running out, and they are ignoring that.

The election was a month ago. It is time to get serious. It is time to focus on priorities.

Now, a little while ago, I delivered a letter to Senator REID signed by all 42 Senate Republicans. It says every Republican will vote against proceeding to any legislative matter until we have funded the government and protected every taxpayer from a tax hike. Basically, what it means is, first things first.

With time running out in this session, we need to focus on these critical priorities. As the letter states:

Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

At the moment, every taxpayer in the country stands to get a massive tax increase and a cut in pay on December 31. We need to show the American people we care more about them and their ability to pay their bills than we do about the special interest groups' legislative Christmas list. Republicans are united in our opposition to proceeding to any of these things until Democrats make the priorities of the American people their own.

Mr. President, I ask unanimous consent that the letter to Senator REID I just referenced be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, November 29, 2010.

Hon. HARRY REID,
Majority Leader, Capitol Building,
Washington, DC.

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those

issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

Mitch McConnell, Republican Leader;
Jon Kyl, Republican Whip; Robert F. Bennett; Kay Bailey Hutchison; John Barrasso; John Cornyn; David Vitter; Tom Coburn; Pat Roberts; Mike Crapo; James M. Inhofe; Richard G. Lugar; Jim DeMint; John Thune; Lamar Alexander; Jim Bunning; Michael B. Enzi; Saxby Chambliss; John McCain; James E. Risch; Roger F. Wicker; Chuck Grassley; Johnny Isakson; Christopher S. Bond; Judd Gregg; Richard C. Shelby; Orrin G. Hatch; Bob Corker; Susan M. Collins; Richard Burr; George S. LeMieux; Mike Johanns; George V. Voinovich; Lindsey Graham; Jeff Sessions; Scott Brown; John Ensign; Thad Cochran; Sam Brownback; Lisa Murkowski; Olympia J. Snowe.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. 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.

THE ECONOMY

Mr. BEGICH. Mr. President, I wasn't planning to actually come to the floor this morning, but as we prepare for the day, sometimes we watch those who make comments and reflect on what was talked about yesterday and what we discussed and what we see on the floor. I have this new attitude that as I see people put information on the floor that has to have a balance to it, I am going to come out and give that balance when I can. The biggest one is on the economy.

I sat here yesterday and heard some folks on the other side complaining that it took us a week to deal with the food safety law, and they wondered why. Well, it is because the other side continues to require filibusters for 30 hours. I know the Presiding Officer has been working aggressively on this to try to figure out a way to get things on this floor more quickly so we can have a debate. But what shocked me is, they complained that it took a week when, in fact, their delay tactics caused the week delay. So they wonder why. They create the problem and then they complain about the problem.

The bigger issue is on the economy. The Presiding Officer and I came here 2 years ago. We came and were sworn in, in this Chamber, in January of 2009. This economy was collapsing. It was a disaster. It did not matter if you were from Alaska or New Mexico; wherever you went, you heard the stories about the problems with the economy and where we were headed. It was incumbent upon us to do as many things as possible to assist the economy to grow, to figure out the pathway. Not all ideas we laid on the table that passed were perfect, but they were multiple and multifaceted, to figure out what to do. The converse is, the other side just kept saying no, no, no. They weren't interested in doing anything to move this economy forward. We were in a crisis moment.

When we think about issues and we look back—and always at the time we are making decisions and we are hoping for the best and we are trying everything possible—it is helpful to remind ourselves where we were. It didn't matter, again, as I said, if you were from Alaska or New Mexico, the economic condition of this country and this world was at risk. So we made some moves that were controversial, and today many of us don't like to talk about them because the pollsters will tell us: That is bad news; don't talk about it. The public hates it. Maybe it is the TARP or the bailout or the stimulus. Figure out the list.

Every day I read Business Week, the Wall Street Journal, CNBC. I look at all the business publications online and in print. What I like to see is not what politicians are saying about how the

economy is going but what other people are saying—the people who actually work every single day to try to build this economy. I can speak to this. Meaning no disrespect—I know the Presiding Officer is an attorney. I mean no disrespect to the attorneys who are here. We have lots of them in the Senate.

I am from the private sector. My first business license was at the age of 14. My wife owns four retail stores. We are businesspeople. We understand what it takes to go to the bank and try to scratch a loan from them to build a business, expand a business. We understand when a banker says no, so we have to go raise capital from other folks to try to make our dreams come true.

There are a lot of people who come to this floor on the other side who talk a lot about business who have never been in it, who have never had to make a payroll. They have worked their way through another means of income. So it is frustrating to me when I hear people who have never been in it come out on this floor and talk about the business world.

Let me give some data points. I will probably do this more often than I should over the next several months because the American people have heard the story from the other side over and over.

I was no big fan of the auto bailout—a lot of us weren't—but 10 days ago, a little blip in the news: GM had the largest initial public offering in stock market history. The first day they estimated that about \$17 billion would be subscribed to it. Then it was \$20 billion. The latest news is \$23 billion. The American people put their money on the table and bet on GM: \$23 billion. Unbelievable. Actually, what truly shocked me was when I grabbed—and I get it every day, I read it, and I think there are incredible news stories. It is not a liberal newspaper—the Wall Street Journal. It has very conservative views on a lot of things. But their headline: "GM Stock Sale in High Gear. Government-backed carmakers on pace to score one of the largest U.S. IPOs ever."

The government owned 61 percent then. With this IPO, it is now down to about 26 percent. It clearly shows, even though it was controversial and still is controversial, even though no one wants to talk about it, that investment to save an American company in order for it to sustain American jobs in this country is succeeding. It is not because I am saying it. It is not because the Presiding Officer might say it or the other side now wants to take some credit, which is amazing—I love some of the quotes I read.

When this first was kicked around, they called it socialism, the world was collapsing, the sky was falling. Now you read the quotes from some of the folks on the other side and they say: Well, with our help, we made it a better deal. They didn't vote for anything

to make it a better deal. That is just a fact. The fact is, we took the risk to make an American company survive. That is what we did on this side of the aisle. Today, that company is more profitable than ever before.

When you look at the data, the private sector is successful and the American people are investing in that company. That is the true test of the work we did—even though it was controversial—what the outcome was.

As I sit here in the last couple of days, I am going to read a couple more data points. Again, it is not me saying this or writing these issues; it is the private sector that is identifying where we are going in this economy. Later this week, we will get a report—on Friday. I heard today in some of the comments that we should let the private sector do as much as it can. I 100 percent agree. I come from the private sector. Many on the other side talk about it, but they have never been there. The private sector added 93,000 jobs last month.

When you look at another one, the number I like to look at is consumer confidence. When consumers are more confident about the economy, they will spend more money, drive our economy, and invest in their country.

Interestingly, "Consumer, Manufacturing Reports Beat Forecasts." That came out yesterday. Again, it is another indicator that the economy is moving in the right direction. It is still rough and fragile, and the policies are controversial, yes, but we took the risk and bet on the American people. That is what the Democrats did. We said that we believe in America, our ingenuity, innovation, and the capacity to pull us out of this recession. We are going to help them with some tools. They are making it happen.

I can tell you this from my wife being in the retail business. Black Friday—the Friday after Thanksgiving—is what retailers focus on when moving into the fourth quarter. Is it going to be successful? If you look at all the reports compared to a year ago, retailers have strong momentum coming out of Black Friday. Everyone did very well. That is another good indication.

As a matter of fact, one encouraging sign—and this is out of another business document. CNBC did this. It comes from the NPD Group, figuring out where consumers are after Black Friday and other shopping days. Shoppers are starting to buy items for themselves. In addition to gifts for others, about 35 percent of shoppers told NPD on Black Friday that they also made purchases for themselves. If shoppers are starting to splurge on themselves, that is an important development. It can push the holiday season past the forecasts.

I am not making this up. This is what is happening because, again, this side of the aisle said: We are going to bet on the American people. We are going to bet that the work we did in early 2009, trying everything possible

to jump-start this economy, is going to have a payoff down the road because we are going to focus on the private sector, helping them get the tools they need, just as we did before the August break in passing the small business incentive program and tax incentives and loan capacity. We only received two votes from the other side for that. So be it. We go the road alone. The net result for the last 2 years is that—I have been here for 2 years, and the occupant of the chair has been on the other side for a decade or so. But we came here to get work done. It may be controversial at times. Leadership is not easy. It is not just saying we are going to do that because everybody loves it. Sometimes the tough decisions are the ones the public has the hardest time with in the worst situations—the recession. We made some decisions—again not perfect—but the results are slowly and surely coming true.

The economy is moving in the right direction. Every time I hear from the other side that the private sector needs to do more—absolutely. As a matter of fact, the largest companies have more cash in their bank accounts today than they have had in decades because they have done well in the last few years in preparing for the new growth that is occurring right now in our economy.

I didn't plan to come down here. I was getting prepared for a Commerce Committee hearing. The occupant of the chair and I are both on that committee. Anybody who suggests we are not focused on this economy or on job creation or figuring out how to make sure the middle-class taxpayers of this country get a fair shake and make sure they have a tax break coming forward and continuing forward—those who say we are not focused on that are mistaken. I learned this when I was a mayor: We can do more than one thing at a time.

The reason I came down to talk is that nobody was talking. It is a dead zone. That is what happens. When they come down here and say: Gee, I wish we would be working on this or that—well, quit filibustering and do the 30-hour delays and get on with the work. We are multitasking. The American people have asked us to work on jobs, the economy, taxes, and the budget. We are 100 people, and we can do this. Anybody who sits around and thinks we are not focused on the economy—as someone who lived in the private sector, comes from it, who deals with small businesspeople every single day, I understand exactly what they are feeling. So those who have never experienced that should experience it once and understand that every day is an opportunity.

I am going to continue to come down here and talk about the positive news, the opportunities that are occurring from the work we have done in the last 2 years. The other side may complain or argue over was it right or wrong. The proof will be in the pudding in the fact that other people—not politicians

jawboning about it—in the private sector are telling us. We have had some good news over the last several months.

The last point I will leave on is another bit of good news. It was small business again. They do an indicator and try to determine the confidence level of a small businessperson. That is important because the small business community is the largest driver of new employment now and in the future. So you want to make sure their confidence level is high. Well, in the last 5 months, it has increased every single month. I believe it is because of actions we have done here to give them faith that we believe in them, in the American people, and we believe the ability to move this economy forward is ahead of us, and we are doing it today.

Again, I will continue to come down here with data points and articles—not out of liberal magazines or publications. I heard earlier today about some liberal agenda. I don't know what that is about. I know what the American agenda is. I know what Alaska's agenda is. That is what I am here to do. If we just get off of these partisan kinds of activities and focus on what is right, we can get a lot done around this place. So I will continue to come down here and talk about the positive aspects of what is going on in the economy. Believe in the future and have an attitude of being positive about what we can do, and it is amazing what this country and this economy can do.

Mr. President, I appreciate the time I have had to discuss this issue. I warned my staff as I left—I said: Turn on the TV. I didn't tell them why I was coming here. They will ask me when I get back what I was doing. I will come down and talk about the positive aspects of this economy and will no longer listen to the other side naysay with negative attitudes. We have an economy that is improving—fragile but improving in the right direction because we on this side bet on the American people. I believe we bet right.

I yield the floor and 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN.) Without objection, it is so ordered.

TAX INCREASES

Mr. HATCH. Mr. President, we are a few hours into the month of December, 2010. Normally, the month of December means holiday times for most American families. For Jewish Americans, Hanukkah starts at sundown. As anyone who visits a department store knows, Santa Claus is already as much a fixture as the shelves and lights. The congressional Christmas tree will be lit in a few days.

This should be a happy time for families. But the festive mood is dampened by the high unemployment and the slow economic growth rate in this country.

Too many businesses are struggling. Too many investors are holding back their capital. Too many workers are idled. And here in Washington, we hear too much talk and take too little action to effectively address these problems.

For almost 4 years, our friends on the other side have failed to take action on the tax increase that will soon hit virtually every income taxpaying American.

There is bipartisan resolution staring us all in the face. It is the only bipartisan compromise. I am talking about a seamless extension of current bipartisan tax policy that was enacted in 2001 and 2003. How is it the only bipartisan compromise on the table?

Look no further than the statements of members themselves. I am aware of no Republican in the House or Senate favoring less than a full prevention of the widespread tax hikes set to kick in in 31 short days.

Democrats are split. That is why we have seen no action for almost 4 years. It seems they may be split three ways.

I have heard rumors that many Democrats in both bodies would privately prefer current law; that is, they would prefer to leave the law as it is and let the tax hikes kick in. But that is a privately held sentiment. The politics of advocating a tax increase on virtually every American income taxpayer are not, shall we say, compelling. This is the first group.

The second group is aligned with President Obama's budget. That position would guarantee a marginal tax rate hike on all small business owners with incomes above \$200,000 if single or \$250,000 if married. That's the second group.

A significant number of Democratic House and Senate Members have signaled that a short-term seamless extension of all current law tax relief is their preferred course. That is the third group.

There might be a fourth group who think that we ought to raise that \$200,000 to \$500,000, and that \$250,000 to \$1 million. But that still hits small business right in the face at a time when we need to create jobs. We Republicans understand that. I cannot understand why my Democratic friends do not seem to understand that. The Presiding Officer understands that.

Republicans generally support a permanent tax freeze. That position is embodied in Leader MCCONNELL's bill. I am pleased to be a cosponsor of that bill. But we Republicans know that, as good as that policy is, we will not likely find at least 18 Democrats to join us. We likely will not get 60 votes for it now. We would make it permanent if we could.

The wisdom of the bipartisan compromise is that it keeps intact the political glue that made the bipartisan tax relief possible in the first place.

Republicans supported the original plan because of the mix of two key tax relief policies. The first policy was tax relief for America's families. The second policy was tax relief designed to spur economic growth.

The fact that we are divided now is due to the Democratic leadership's insistence that the growth incentives part of the compromise be broken off. They want to break it off, using language like "decoupling," and discard the pro-growth policy.

That is the essence of the difference.

Democrats are split, but the Democratic leadership is united on the point of breaking off the pro-growth piece of the policy.

In an effort to avoid the obvious compromise, two members of the Senate Democratic leadership have put forward a new proposal. The proposal would apply the pending rate hikes to single taxpayers at \$500,000 of income and married couples at \$1 million of income. This latest partisan proposal is said to be necessary for fiscal reasons. Finance Committee Republican staff, using data from the non-partisan Joint Committee on Taxation, conducted a preliminary analysis of this proposal. They concluded that less than half the revenue sought by the Democratic leadership would be raised by this proposal. That tells me the reason behind this new proposal may be ideological.

Now, some may ask why Republicans do not give in and agree to hike taxes on those earning over \$500,000 or \$1 million. Certainly, it puts a fine point on the usual political game of class warfare.

To those of us on this side of the aisle, the sting of the proposal's political shot is far outweighed by its economic harm. Why is it so important?

Let me turn to two broad principles where Democrats and Republicans generally agree. The first principle is that a healthy growing economy is a very good antidote to our fiscal ailments. The second principle is that small business will be the source of new jobs. Do not think you'll find much daylight between Republicans and Democrats on these principles.

Now, let's consider the merits of this so-called "millionaire" tax in light of these bipartisan principles.

Fiscal history shows, without question that revenues will grow and temporary social safety net entitlement spending will drop if the economy grows. I have a chart that shows this history. If you follow this chart, you will see revenue is very sensitive to the changes in growth. Revenue is red, GDP is green. Growth goes up. Revenue goes up. Growth goes down. Revenue goes down.

It is well established that capital is the lifeblood of business. According to Answers.Com and I quote:

CAPITAL is the life by which the body [of business] operates. A business without finance is like a body in coma. No matter how great the environment is, the entity is considered dead. It is the blood that keeps men

alive. Drain the blood and watch life end for even the strongest and most privileged human that exists.

No one disputes the notion that taxpayers with incomes above \$500,000 for singles and \$1 million for married couples are a small fraction of the tax-paying population. But they account for a lot of capital gain income.

A proposal to raise the marginal rate on capital gain income by 33 percent on this group may seem like it would have minimal impact on the pool of capital income. Internal Revenue Service data indicate the contrary is true. The latest data from IRS Statistics of Income division are revealing.

According to SOI, taxpayers at \$1 million and over accounted for 56½ percent of the net long-term capital gain income for 2008. This figure reached close to 70 percent the year before. Keep in mind that statistic understates the impact. The reason is that the capital gain income for single taxpayers with income between \$500,000 and \$1 million is not counted.

The proposed so-called millionaire's tax would pile up rates on this large pool of capital income. I have a chart that illustrates the impact. The chart shows the current tax rate for this group of taxpayers rising to almost 24 percent in a little over two years. That means an almost 60 percent higher tax take on earnings from capital from current law.

If capital is the lifeblood of business, does it make sense to make the investment of it dramatically less attractive? Considering the current slow growth, jobless recovery, should we put in place policy that drives down the after-tax rate of return on capital?

I have talked only about the hike on capital income since flow-through small business income would be adversely affected by the tax hikes on ordinary income. You can see I am concerned. Look what that means. It is true that these small business owners would be earning over \$500,000 if single and over \$1 million if married. They represent a significant portion of the ownership of small businesses that will create new jobs. According to the non-partisan Joint Committee on Taxation, the President's tax hikes would hit half of flow-through small business income. I do not have the same calculation for this revised proposal. But do we have the margin for error? In this rough patch of our economic history, shouldn't the policy bias be towards business expansion? Why should we send the opposite signal? In this economic climate, what justifies a higher marginal rate of 17 percent on the most successful of our small businesses? Why hit the small businesses most likely to expand and hire people and give them jobs?

The way is clear. To my friends in the Democratic leadership, and they are my friends, I dare say, everybody in this body is a friend of mine. There are good people here. Why are we not working in a bipartisan way to solve

these proposals? I say throw down the partisan weapons. Don't sharpen them with a more partisan, edgy proposal, like the so-called "millionaire's tax." On our side, we would like to keep the current low tax rates in effect. We want them to be permanent. We, however, recognize that the legislative calendar of this session is about to end. We are ready to take a short-term time out with a seamless short-term extension of current tax relief. I ask our friends on the other side to do the same.

Now, it is no secret that 42 all 42 Republicans have said we should go to work on these problems right now and quit playing games around here. And we are unwilling to let anything else go forward until we solve these problems. These problems are the problems of extending the current tax relief for everybody.

We would like it to be permanent. Most of the Democrats would not like it to be permanent. There has to be a way of bringing us together. We are not going to agree, it seems to me. We are not going to be free to go to what our friends on the other side want to do and increase taxes at this time in the economic history of this country.

All 42 Republicans have signed a letter making it clear we will not get closure on anything until we resolve these problems. Then let's go to work after that. If the leadership does want to keep playing around in December, in the holiday season, let's at least go to work on other problems. I can think of a lot of other problems. For instance, the so-called SGR doc fix. The Democrats have taken \$500 billion out of Medicare. If they took \$282 billion of that, that solves the doc fix. We don't have to worry about it every year as we do right now. That money is there. What about the death tax? If we don't solve the death tax, it dramatically goes up. Who does it hurt? Small businesspeople, farmers, and others who don't have all the lawyers in the world to help them evade those taxes.

What about the alternative minimum tax? That was a tax that was supposed to affect 155 multimillionaires who didn't pay taxes that year. Today it will affect 23 to 26 million people, many in the middle class. Democrats always talk like they want to get rid of it, but they love it because it means more revenue for them to spend. Why don't we get rid of it? Even if we don't have an offset, I prefer to get rid of it because it goes up every year. We have to patch it every year, it costs billions of dollars, where if we do it once, it is a one-hit thing that at least we know where we are and we can work the deficit down from there.

What about the research and development tax credit? Virtually everybody in this body knows how important that is to our high-tech industry, which in some ways is not competitive because we always foul it up. It has now been absent for a year because even though the Democrats have had abject control

of this body and could have done anything they wanted to do to preserve it and protect it, they haven't done a dog-gone thing. As somebody who works on intellectual property issues day in and day out and has done so for 34 years in the Senate and has done so in a bipartisan way—and I don't think anybody on the other side can say I haven't worked with them in these areas; Senator LEAHY and I worked together very closely on these issues—why aren't we making it possible for our high-tech world to create jobs by being more competitive, by giving them what we all basically agree they should have and do it permanently; that is, the research and development tax credit.

These are just a few things I think we ought to be able to get together on in a bipartisan way and accomplish at the end of this year.

If I was the President—and I am not, but if I was, and it is nice to speculate every once in a while, especially on the floor of the Senate, when we see all these problems—I would be banging on Democrats and Republicans to resolve these problems I have been discussing today. The President would have all December. He would have all January, virtually, since we don't get geared up and going very much until February. He would have most of February, and he might even have most of March almost all to himself and to his organization in the White House. I can't understand, for the life of me, why the President isn't weighing in to get this problem solved now as well as the problems I have been talking about. It is to his advantage. Instead, we will play these phony political games right up to Christmas Day. We have done that before. I can live with that. I can work on Christmas Day, as far as I am concerned. But it is ridiculous what is going on around here. It is ridiculous. Here we have 3 or 4 days gone, where hardly anything is going to be done, where we could resolve these problems.

We have this group together. It is a good group with good representatives from the House and Senate and, of course, the Treasury Secretary and the Director of OMB. I have high hopes they will wise up and come to a conclusion that this is what we have to do and do it as quickly as we can, in the best interests of the country, so there is some certainty for our business community to create jobs and our banks to start loaning again and for others to get involved in the economy. This is to the advantage of the President. I don't understand why he is not beating on the guys on the other side and over there in the House to wake up and do what is right. Then let's get this over with and get this country back on track again.

Republicans are dedicated to try to resolve the problem. We will not get pushed around on this. Frankly, we want to solve it with our friends on the other side. I just hope we can.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—
S. 3981

Ms. STABENOW. Mr. President, as we come to the end of the year and the end of the session, I want to talk about what is happening for the American people, for small businesses, what is happening in terms of the Senate, and what is at stake as we come to the end of the year for American families, folks who are struggling every day, people trying to keep in the middle class, get into the middle class, a small business trying to keep its head above water, as well as our manufacturers, and so on.

It is extremely concerning to me that colleagues on the other side of the aisle—and they have shown it again today in a letter that was written to the leader—are willing to risk everything in order to get a bonus round of tax cuts for millionaires and billionaires. They are literally willing to stop everything, risk everything in the economy, in order to get an extra tax cut.

The reason I say “extra” or “bonus” is because we have in front of us an agreement that 97 percent of the public who earn less than \$250,000 a year for their family should be continuing to receive tax cuts permanently. Everyone who has income up to \$250,000, whether their real income is \$1 billion or not, they get a tax cut up to \$250,000 of their income. So the question we will be answering this month is whether millionaires and billionaires get a bonus, get an extra tax cut on top of that.

Here, as shown on this chart, is what the Republicans are willing to put at risk. I say to the Presiding Officer, who heard it as well as I did throughout the year, talking about the deficit, how we needed to stop the exploding deficit, that we need to bring deficits down, in order to get a bonus tax cut for millionaires and billionaires, they are willing to risk the Federal deficit, balloon it another \$700 billion—not paid for.

Now they are saying we ought to pay for unemployment benefits for somebody who lost their job in this economy through no fault of their own. But \$700 billion? The average tax cut is \$100,000 for somebody earning \$1 million. Mr. President, \$100,000 is more than the average person in Michigan makes. My guess is, in West Virginia it is the same.

So in order to keep \$100,000 a year going in a bonus tax cut for people earning \$1 million, they are willing to risk the Federal deficit exploding. They are willing to risk jobs because we have seen a policy in the last 10 years of basically giving tax cuts to

folks at the top and everybody else waiting for them to trickle down. My folks are tired. I think colleagues on the other side of the aisle just think we have not waited long enough for this to trickle down to everybody else. But the reality is that policy they want to continue, that explodes deficits, gives a bonus tax cut for people at the top, has not created jobs.

In fact, my question is, after 10 years of tax cuts for the wealthy, where are the jobs? My State has lost over 800,000 jobs during the period of this bonus tax cut policy for millionaires and billionaires. If it had worked, if we had created 800,000 jobs in Michigan rather than losing 800,000 jobs, I would be on the floor of the Senate fighting to continue this policy.

This is not partisanship. This is about common sense and what works. We have had a policy in place that has not worked, so why would we continue it? They say we have to continue this because we are in a recession.

This is part of the reason we are in a recession in terms of the fact that it did not invest in the right way. If we want to take those dollars and put them back into clean energy manufacturing and focus on making things in America, if we want to put it into what that we know is actually going to focus on jobs, good-paying, middle-class jobs, I am all for it. But \$700 billion of a policy that has not worked for 10 years makes no sense.

So that is my question. Where are the jobs? Show me the jobs, and I will be the first person on the Senate floor voting yes to continue it. But they are willing to risk the deficit. They are willing to risk jobs. They are willing now, in the letter they have sent to the leader today, to risk tax cuts for middle-class families and small businesses by saying: Do you know what. We are not going to do anything else until we continue the tax cuts for everybody in this country, including millionaires and billionaires.

They are not willing to work with us to make sure middle-class families, who are the folks who need to have money back in their pockets, and small businesses, that need that money back in their pockets, get permanent help. Then we can work on the rest of it where people disagree.

We are going to hear a lot about small business. And I find it quite surprising that colleagues have filibustered in the last 2 years 16 different tax cuts for small business—a small business jobs bill to make capital available for small business so they can keep their heads above water, refinance, grow their business. Personally, I am not going to be lectured by people who voted against 16 different tax cuts in the last 2 years for small businesses, who are now using small businesses to hide behind—the folks who are hiding behind small businesses that they are holding up as the ones for whom they are fighting.

We are happy on our side. We take a back seat to no one on fighting for

small business. I thank our Chair, MARY LANDRIEU, who was on the Senate floor over and over from the Small Business Committee and a wonderful group of colleagues who fought and fought to make sure we put forward a bill—it took way too long because of foot dragging, everybody trying to throw sand in the gears, but we finally got it passed, a tremendous amount of effort to increase capital and to add eight tax cuts in the small business jobs bill, on which only two Republican colleagues had the courage to step across the aisle and join us. We are very grateful they were willing to do that.

But the Senate Republican caucus is willing to put all of that in jeopardy, hold hostage tax cuts needed by people—working people, middle-class families, small businesses—if they cannot get a bonus tax cut for millionaires and billionaires.

They are also willing, frankly, to jeopardize Social Security and Medicare. We have a debt commission coming up with proposals that are very concerning. There are tough decisions about Social Security and Medicare going forward because we have a deficit. They are saying: Oh well, wait a minute. First, you have to increase the deficit by \$700 billion in order to give millionaires and billionaires a tax cut. No, we don't care. We don't care if that impacts Social Security and Medicare and tough decisions that have to be made for seniors who live on Social Security and Medicare.

The most important thing—and we have heard this over and over—is we don't care if it is paid for, it doesn't matter if it is paid for or if anything else gets done for national security. We are not going to take up the START treaty. We don't care about our relationship with Russia. We don't care about national security issues. We want a tax cut for our friends, the millionaires and billionaires, adding \$700 billion to the debt. They are willing to risk it all, stop the tax cuts for middle-class families and small businesses, in order to get that bonus tax cut.

Finally—and most insulting to me of all—is they can stand and say we will not support helping people who are out of work in an economy that is way beyond normal, where there are five people looking for every one job. In my State, you are talking about folks who have never been out of work before in their life and they are mortified and they are doing everything they can to hold it together. They are trying desperately to keep their heads above water, while their houses are underwater, and they may not have been able to have their kids continue in college this year. Folks are trying to make it, and they are saying we didn't create this economy, create the crisis on Wall Street or create all the rest of this. They have done nothing but play by the rules their whole lives, and now they are in a situation where they can't find a job.

I have talked to a lot of folks, 50, 55, 60 years old, who worked all their lives. We are coming up to the holidays now. All they want to do is what we have always done as a country in the case of high unemployment; that is, allow them to receive unemployment benefits to get them through a tough time temporarily, while we should be focusing on jobs because people want to work. People don't want to get \$200 or \$300 in unemployment benefits. They want to work. They want the dignity of work. Americans know how to work and they want to work. They are looking to us to create a climate of certainty in the marketplace, working with businesses so they can get a job.

But here we have a situation where the Republicans in the House turned down unemployment benefits yesterday. Senator JACK REED came to the floor to ask unanimous consent—which I will ask again—to be able to extend unemployment benefits, just the regular system. I also believe we need to add additionally for people who have run out of their benefits, the “ninety-niners.” We need to help them as well. This is just to keep the regular system going, so somebody who loses their job today or is beginning to lose their job is treated as fairly as the person who lost their job on Monday. Right now, the system is up in the air.

We hear on the other side: My goodness. We can't possibly extend unemployment benefits without “paying for it” and cutting someplace else. It is, for a year, about \$50 billion. That is a lot of money; I am not saying it is not. But how about we help pay for it by not giving a bonus tax cut to millionaires in this country—\$700 billion—and colleagues on the other side of the aisle do not believe that should be paid for. Somehow tax cuts for millionaires and billionaires have different rules than a little bit of help for somebody who lost their job, through no fault of their own, and is trying to keep their family together and a roof over their heads in these times.

That is a heck of a choice in terms of values. I am amazed. But what we have, as we come to the end of the year, is a situation where colleagues on the other side of the aisle have indicated they are going to continue to block everything. Well, the filibuster is not new. It has been done every day on this floor for the last 2 years. Now they are saying that in addition to extending—obviously, getting the budget done, and we all agree with that. But if we don't extend the tax cuts for everybody—meaning millionaires and billionaires—then they are going to filibuster everything else, including unemployment benefits.

Let me say, in closing, that we are in a situation where right now, today, we could give 97 percent of the public certainty going forward about tax cuts, small businesses, middle-class families, by simply joining on a proposal to protect and extend permanently middle-class tax cuts and those for the vast

majority of small businesses. We certainly can come together in a way that does more for small business. This is the side that voted 16 times for tax cuts for small businesses. But we believe it is economically and morally wrong to allow an average \$100,000 in additional tax relief for a millionaire next year, while somebody who worked all their life and lost their job, through no fault of their own cannot keep a roof over their head this year. It is absolutely not right.

By the way, let me just reiterate—because we are going to hear a lot about small businesses—this is not about small businesses. We are willing to come together, as we always have, for small businesses. This is about a few people, and not even everyone in that category is asking for a tax cut, by the way. A lot of these folks understand we have the biggest deficit in the history of the country. They are blessed through their circumstances to be very well off, and many are saying: I want to do my part and I am willing to do my part. Ask me to do my part and I will. They are not asking to hurt people who are out of work in order for them to get another tax cut.

Unfortunately, on the other side of the aisle, our colleagues are willing to risk everything—the deficit, jobs, Social Security, Medicare, tax cuts for the middle class and small businesses, and help for people who are out of work in order to give a bonus tax cut for a privileged few people. That is not what we are about. That is not what we are about or what we are going to fight for.

At this point, because it is absolutely critical that we understand what families are going through now in this holiday season and that someone who is losing a job today should be treated as fairly as somebody who lost their job 2 days ago, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration; that the bill be read the third time and passed and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, and I will object, I understand Senator BROWN of Massachusetts objected to this request yesterday and offered a fully offset alternative. Therefore, on his behalf, I do object and ask unanimous consent that his proposal be printed in the RECORD.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request offered by Senator STABENOW.

Is there objection to the request of the Senator from Wyoming?

Ms. STABENOW. Mr. President, reserving the right to object, and I will not object, I simply want to say it is a sad day for millions of families in this country. This is a message we should

all be embarrassed to have sent; that millionaires and billionaires should be the ones who are being fought for on the floor of the Senate and that millions of people who are out of work don't count. I regret that.

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

(Purpose: To provide for a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Benefits Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "November 30, 2010" each place it appears and inserting "January 3, 2012";

(B) in the heading for subsection (b)(2), by striking "NOVEMBER 30, 2010" and inserting "JANUARY 3, 2012"; and

(C) in subsection (b)(3), by striking "April 30, 2011" and inserting "June 9, 2012".

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "December 1, 2010" each place it appears and inserting "January 4, 2012"; and

(B) in subsection (c), by striking "May 1, 2011" and inserting "June 11, 2012".

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "April 30, 2011" and inserting "June 10, 2012".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking "and" at the end; and

(2) by inserting after subparagraph (F) the following:

"(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Benefits Extension Act of 2010; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 3. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A)."

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word 'both' were 'all', and the figure '2' were '3' in clause (1)(A)(ii)."

SEC. 4. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$95,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SEC. 5. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, welcome to the Senate. It is a pleasure to have the Senator from West Virginia joining this body. I will tell the Senator that ever since the health care law has been passed, I come to the floor every week as a physician, as someone who has practiced medicine for a quarter of a century, taking care of families across the State of Wyoming, to give a doctor's second opinion about the health care law. I bring that each week, bringing a different story of someone who has not been helped by the health care law, someone who has been hurt by it, an identifiable victim of the health care law.

I heard it at home over Thanksgiving from doctors, nurses, as well as patients. I believe this law is going to be bad for patients, for providers, the nurses and doctors who take care of them, as well as for taxpayers. It has been no surprise to me that Americans want and expect repeal of this health care law.

The most recent Rasmussen poll showed that Americans support repeal

of ObamaCare by a margin of 21 percent; 58 percent are for repeal and 37 percent are not. Independent voters support repeal by 24 percentage points, 59 to 35 percent.

So I continue to come to the floor to bring out to our colleagues the concerns I have about the health care law and the concerns I hear at home from patients and from providers and from taxpayers.

I wish to mention that recently the Secretary of Health and Human Services, Kathleen Sebelius, sent a letter to members of the medical school class of 2014. These would be the incoming medical students, first year medical students in your State and mine. In the letter that goes to about 15,000 or 16,000 first-year medical students, she talks about this health care law and about how she believes it will be good for them as medical students and good for their patients.

One of the things she talks about in the letter, interestingly enough, is she said that many of you and your siblings are undoubtedly under the age of 26, as many first-year medical students are. She then raises the issue that says you will now be able to stay on your family's insurance policies until you are 26.

As you know, this was one of the selling points behind this health care law, that young people would be able to stay on their insurance policies until the age of 26. The Secretary points that out to all incoming medical students. I think it came as quite a surprise—it did to me, and I think it should have to these medical students and others—to read a story on November 20 in the Wall Street Journal that talks about—the headline is: "Union Drops Health Coverage for Workers' Children."

The idea was that children were supposed to be covered under this health care law. I will start by reading this:

One of the largest union-administered health insurance funds in New York is dropping coverage for the children of more than 30,000 low-wage home attendants, union officials say.

This is the Service Employees International Union. They are dropping coverage for about 6,000 children. The President has said no children will be dropped. The Secretary said no children will be dropped. Yet a union, which has encouraged, through its lobbying efforts, support of the health care law is now dropping 6,000 children. Why are they doing it? It says the health care reform legislation requires plans with dependent coverage to expand the coverage up to age 26. What they say is:

Our limited resources are already stretched as far as possible, and meeting this new requirement would be financially impossible.

During the entire debate on the health care law, people said that many of these rules and regulations and requirements are going to be financially demanding. Yet this body, before the occupant of the chair arrived, crammed

this law down the throats of the American people—the American people who don't want it or like it and have asked that it be repealed and replaced. Now even one of the unions that lobbied for it is saying: We are actually going to drop 6,000 children who had previously been covered because of the legislation, and they say it would be financially impossible to comply with.

So, Mr. President, I looked at the Secretary's letter, I looked at this response, and TOM COBURN, another physician in the Senate, and I had a lot of concerns about the letter the Secretary sent to the medical students of this country. So we also sent a letter, an open letter, to America's medical students in the first year of their medical school.

What we wanted to do was to first congratulate these young men and women on dedicating their time, their talent, and their skill in the service to others. We talked about the importance as physicians and as medical students of truly listening to their patients because one of the basic tenets of medicine is nothing should come between a doctor and his or her patients. It is important for them to be able to have the time to listen, to focus, and to spend time and not allow anyone or anything to come between the doctor and the patient. Yet here in the Senate we passed a health care law that puts Washington and faceless bureaucrats between the doctor and the patient. We talked about the significant change in the doctor-patient relationship in this letter Senator COBURN and I sent to medical students and our concerns that Washington is now going to have more power to determine the care these medical students and future doctors are going to be able to deliver to their patients. We talked about the 150 new government regulating bodies coming out as a result of this 2,700-page bill and that they are going to intrude upon the doctor-patient relationship. We talked about our concerns about what is called cookbook medicine—follow these rules—because of the new authorities that have been provided by these 150 new bodies that have been created by the law and that decisions will be made based on cost rather than on what may be best for the individual patients.

The President continues to talk about providing coverage for more people. Well, there is a lot of difference between coverage and care, and that is why, when a leader in Saudi Arabia had a recent health problem within the last 2 weeks, he chose to come to the United States—because it is the best care in the world. The World Health Organization may have someone else listed at No. 1, but the ruler from Saudi Arabia decided to come to the United States. He didn't go to Cuba or England or Canada; he came here for our care. We want the young men and women who are in medicine, who are going into medicine and training in medicine to be able to provide that

kind of care. And we want the American people to be able to continue to receive that kind of care. Unfortunately, in this body, political passion overtook good policy, and a law was passed that I think is not going to be good for patients or for providers or for those people paying the bill.

So that is what I hear every weekend at home in Wyoming. It may be what you hear as well. I know you have heard that in your home State. Yet the President of the United States sat for a wide-ranging interview with Barbara Walters on television the other evening, and when he described this health care law, he said he was extraordinarily proud of health care reform. What I consider a health spending bill he calls a lasting legacy which he said, "I am extraordinarily proud of."

That is one reason I was surprised to see the headline in the Washington Post, which actually, I believe, was the same day as the President's interview with Barbara Walters. In the Washington Post edition of Friday, November 26, the front-page headline reads "Doctors Say Medicare Cuts Forcing Them to Shift Away From Elderly." Medicare cuts are forcing them to shift away from the elderly. This is what we talked about during the debate on the floor of the Senate when that health care law was being debated, that they have taken \$500 billion away from Medicare—not to save Medicare, not to help our seniors, not to extend the life of Medicare, no, but to start a whole new government program.

That is why every week I come to the floor to offer a doctor's second opinion and share with all those in this Chamber and the American people why I believe, as a doctor who has practiced medicine for a long time, that this is a health care law that we need to repeal and replace—replace it with something that is good for patients, good for providers, and good for the taxpayers of this country.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

JOBS, THE ECONOMY, AND HOUSING

Mr. ISAKSON. Mr. President, first of all, let me congratulate you on your victory and welcome you to the Senate. I know you will be a great addition to the Senate. I have already enjoyed serving with you on the HELP Committee this morning.

Mr. President, I rise for just a few minutes to talk about three issues—jobs, the economy, and housing—that I think all of us around the country will recognize are the three biggest problems thwarting our recovery. There are some realistic solutions that are out there that I think we could all come together on if we would just take the time to realize that working on disagreement rather than finding agreement is not serving the Senate very well right now.

One of the reasons we have had a slow job recovery is because of the uncertainty American businesses and American wage earners have in what their tax rates are going to be.

I ran a company. It started out as a small company, and it became a pretty good-sized company. This was the time of year—every December—when we had our managers' retreat, and we would plan what we would do the next year. We would do our budget, we would talk about new hires, new departments, and new ideas.

Right now, corporations and small businesses in this country that are sitting around their planning retreats and talking about next year do not know what their tax rates are going to be, they do not know what their regulatory environment is going to be. So they are doing what every business does: They are making conservative decisions. They are not risking capital. They are going to wait until their future tax lives and regulatory lives have some degree of certainty.

So one way to bring back jobs to America and bring them back quicker than anything else would be for this Senate and the House to come together and extend the existing tax rates for a predictable, foreseeable period of time so businesses know what the playing field is going to look like. The absence of certainty between now and the end of the year means that no one will make a decision to hire anybody until we first make a decision on what their taxes are going to be. If we decide they are going to go up, if we capitulate and let the current sunset take place, then American businesses, at a time of high unemployment and low productivity in terms of business activity, will see an increase in their tax rate and we will see a decrease in employment next year in the United States. I hope that doesn't happen. I hope we will find common ground and find a way to extend the existing tax rates.

Secondly, I wish to talk about housing for a second because it is an important part of jobs. I know there have been two speeches on the floor this week talking about some stimulus to bring the housing market back. One stimulus that will bring it back is to make taxes certain because if taxes become certain, people know what the taxes will cost them and they make important big-purchase decisions. When they have uncertainty in what their income or their net is going to be, they do not make big-ticket purchases, whether it is an automobile or a house.

But there are other problems in housing as well. We need to fundamentally return to a marketplace that has some degree of liquidity in it for acquisition and purchases. Right now, except for the FHA and an occasional lender in terms of a jumbo lender to a big-ticket client, there is basically no mortgage money in the United States for an American home buyer. Because of mark to market being applied by the

FDIC and the other cease-and-desist orders the banking institution and lenders are under, nobody is extending credit.

In my State of Georgia—in Atlanta, GA—in 2006 there were 63,000 housing permits. That was 2006, 4 years ago. This year, there were 5,300. That is a 90-percent reduction in new construction. Granted, we were in a hyper-economy in 2006 and, granted, overbuilding probably contributed to the decline of the economy later on, but a 90-percent reduction is unhealthy. If we continue to sustain that reduction, we will continue to sustain what is a difficult economic period now.

We need to be looking to the future. So my recommendations are, first, give us a platform of predictability by extending existing tax rates and not raising them in a recession. That is No. 1. Secondly, recognize there is no liquidity in mortgage money in the United States.

The longer we wait to address the question of what happens after Freddie and after Fannie, the longer the housing market will suffer. So I propose a solution for that problem in terms of housing finance. I don't think there is any question that Freddie and Fannie have to be wound down. They are in a conservatorship now. They have already cost us billions of dollars, and they will cost us billions more, which is why I worked hard to get them under the financial reregulation bill so we could peel back the layers of the onion and figure out what went wrong, but this body decided not to do that.

But whatever happens, we have to create a new entity, and whatever happens, it will have to look, in some ways, like Freddie and Fannie but in other ways remarkably different. But there has to be a solution. The long-term solution can't be a government-sponsored entity or an implied government guarantee. That is what imploded in terms of Freddie and Fannie. And the taxpayers of America don't want you or me pledging their future full faith and credit behind a mortgage entity just to provide mortgage money. By the same token, they want us to be leaders, to find a way to get from where we are now, with no liquidity, to where we need to be, and that is with good liquidity.

Here is my suggestion: we create a new entity to replace Freddie and Fannie—an entity that ends up having a government-implied sponsorship or guarantee, but over a 10-year period of time, it declines 10 percent a year to zero. During that same 10-year period of time, on every mortgage loan made in the United States, a fee will be attached to it at closing—maybe it is 50 basis points or half a percent, whatever it might be—that goes into a sinking fund. That sinking fund is walled off, and it grows over 10 years. As it grows, the government guarantee declines—for example, a-100 percent guarantee in the first year of the fund, 90 percent in the second year, 80 in the third, going

down to zero in 10 years. As that fund guarantee goes down, the fund builds up, so it becomes the backstop for another failure that may or may not happen in the future but one for which we have to plan.

This is not a new idea. There are not a lot of new ideas. In Great Britain, they have had Pool Re for years. That is the sinking fund they set up to handle catastrophic losses in terms of insurance. It has built up to be able to withstand the largest of catastrophic calls and has made their insurance system work very well.

We need to establish a way for the government to sponsor an entity that gets out of the guaranteeing business but gets into the building of liquidity business and becomes an entity that can supply mortgages in the United States because there is not one now and there will not be one in the future until we create an entity that gives a foundation for liquidity to come back to the housing market. So here we are, 30 days from the end of the year. We don't know what our taxes are going to be next year, and if we wanted to go buy a house, we wouldn't know where we would find the mortgage money.

This Senate can act and act quickly to make changes that see to it that jobs come back, and that is by extending the existing tax rates.

When we come back together next year, I look forward to working with my colleagues on the other side and my colleagues in the Senate to create a mortgage-sponsored entity that will work and begin to bring liquidity back to the housing market so that construction returns, jobs come back, and America recovers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, 2 weeks ago, before the Thanksgiving Day recess, I urged Republicans and Democrats in the Senate to come together and take action to begin to end the vacancy crisis that is threatening our Federal courts. My call was not extreme nor radical nor partisan. I asked only that Senators follow the Golden Rule. Regrettably, that did not happen, and that is really too bad for the country.

There are now 38 judicial nominees being delayed who could be confirmed before we adjourn—38 judicial nominees who have had their hearings and whose qualifications are well established.

Two weeks ago, I asked the Republican leadership to treat President Obama's nominees as they would have those of a Republican President. I asked for nothing more than that we move forward together in the spirit that we teach our children from a young age by referring to a nearly universal rule of behavior that extends across most major religions and ethical behavior systems.

I urged adherence to the Golden Rule as a way to look forward and make progress. I had hoped that we could remember our shared values. That simple step would help us return to our Senate traditions and allow the Senate to better fulfill its responsibilities to the American people and the Federal judiciary.

Yesterday, I listened to my dear friend, the senior Senator from Connecticut, Mr. DODD. He gave a lesson similar to others I have heard from Senators over the years—it could have been said by Senators of either party—about why in the Senate we need to work together on certain shared issues. We have 300 million Americans, but only 100 of us have the privilege to serve in this body to represent all 300 million. Senators should certainly stand up for their political positions, but there are certain areas in which the American people expect us to come together. They certainly do not expect us to stall judicial nominations for the sake of stalling, especially nominations that have the strong support of both Republicans and Democrats and that come out of the Judiciary Committee unanimously.

Had we adhered to the Golden Rule, 16 of the judicial nominees being held hostage without a vote, who were each reported unanimously by all Republicans and Democrats on the Judiciary Committee, would have been confirmed before Thanksgiving. So too would an additional nominee supported by all but one of the committee's 19 members. They would be on the Federal bench and Federal judicial vacancies would have been reduced to less than 100. Instead, the across-the-board stalling of judicial nominations that I have been trying to end has continued. We have noncontroversial nominations being delayed and obstructed for no good reason. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed. If Senators would merely follow the Golden Rule, that would have happened.

As the Senate recessed, the Washington Post and the Charlotte Observer each criticized the stalling of noncontroversial judicial nominees in editorials published the weekend of November 19. The Washington Post entitled its editorial "Unconscionable Delays for President Obama's Court Picks" and recognized that "even nominees without a whiff of opposition are being blocked" and concluded "the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive." The Charlotte Observer entitled its editorial "Senate Must End Games, Confirm Strong N.C. Judges" and called what is going on "infantile political gamesmanship" and "partisan high jinks" in its comments about the delays in considering Judge Albert Diaz and Judge Catherine

Eagles. In an opinion column in *Politico*, a former judge appointed by a Democratic President and one appointed by a Republican joined together to call for the Senate to address the judicial vacancies crisis. They cited the use of “secret holds and filibusters to block the votes” and observed:

Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office. These tactics are, as one senator noted, “delay for delay’s sake.” They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

I will ask that copies of these pieces be printed in the RECORD at the end of my statement.

In addition to letters from the President of the United States, the Chief Judge of the United States Court of Appeals for the Ninth Circuit, the Chief Judge of the United States District Court for the District of Columbia, and the American Bar Association that I placed in the record with my statement on November 18, I have now received a copy of the November 19 letter to Senators REID and MCCONNELL from the Federal Bar Association that I will ask also be print in the RECORD at the conclusion of my statement.

The Federal Bar Association President notes that “the large number of judicial vacancies prevents the prompt and timely administration of justice” and that this “is causing unnecessary hardship and increased costs on individuals and businesses with lawsuits pending in the federal courts.” She also notes that seven of the judicial nominees who were reported with near unanimity but are being stalled would fill judicial emergency vacancies: Albert Diaz of North Carolina, Kimberly Mueller of California, Ray Lohier of New York, John Gibney of Virginia, Susan Nelson of Minnesota, Mary Murguia of Arizona and Charlton Reeves of Mississippi.

As of today there are 110 vacancies on the Federal courts around the country; 50 of them are for vacancies deemed judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. We already know of 20 future vacancies. In addition, the Senate has not acted on the request by the Judicial Conference of the United States to authorize 56 additional judges, which will allow the Federal judiciary to do its work. So we are currently more than 190 judges short of those needed. I urged, before the last Presidential election, that we pass legislation to create additional judgeships, but unfortunately it was blocked.

The vast majority of the President’s judicial nominees are consensus nominees and should be confirmed by large bipartisan majorities. Many of them will be confirmed unanimously. These are well-qualified nominees with the

support of their home State Senators, both Republicans and Democrats. I have not proceeded in the Judiciary Committee with a single nominee who is not supported by both home State Senators. I have worked with all Republican Senators to make sure they were included in this process. President Obama has worked hard with home State Senators regardless of party affiliation, and by doing so has done his part to restore comity to the process, as have I as chairman.

Regrettably, despite our efforts and the President’s selection of outstanding nominees, the Senate is not being allowed to promptly consider his consensus nominees. To the contrary, as the President has pointed out, nominees are being stalled who, if allowed to be considered, would receive unanimous or near unanimous support, be confirmed, and be serving in the administration of justice throughout the country.

We have had nominees on whom we have had to file cloture to get to a vote, then the rollcall vote is 100 to 0 or 99 to 0. This makes no sense. It breaks with every tradition in this body. I speak as one who has been here 36 years. There is only one Member of this body who served here longer than I have. I know both Republican and Democratic leaders and Republican and Democratic Presidents and we have never seen this happen. It is counterproductive.

Like the President, I welcome debate and a vote on those few nominees that some Republican Senators would oppose. Nominees like Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, and Goodwin Liu of California. I have reviewed their records and considered their character, background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. That they will not be conservative activist judges should not disqualify them from serving.

But that is not what is happening. Republican Senators are not debating the merits of those nominations, as Democratic Senators did when we opposed the most extreme handful of nominees of President Bush. What is happening is that judicial confirmations are being stalled virtually across the board.

What is new and particularly damaging is that 26 judicial nominees who were all reported unanimously by the Senate Judiciary Committee, without Republican opposition, are still being delayed. These nominees include Albert Diaz and Catherine Eagles of North Carolina. They are both supported by Senator HAGAN and Senator BURR. Sadly, Senator BURR’s support has not freed them from the across the board Republican hold on all judicial

nominees. Judge Diaz was reported unanimously in January, almost 12 months ago, and still waits for an agreement from the minority in order for the Senate to consider his nomination so that he may be confirmed.

Also being delayed for no good reason from joining the bench of the most overloaded Federal district in the country in the Eastern District of California is Kimberly Mueller, whose nomination was reported last May, more than seven months ago, without any opposition. Her nomination is one of four circuit and district nominations to positions in the Ninth Circuit currently on the Executive Calendar that Republicans are blocking from Senate consideration. In addition to the Liu and Chen nominations, the nomination of Mary Murguia from Arizona to the Ninth Circuit has been stalled since August despite the strong support of Senator KYL, the assistant Republican leader.

Justice Anthony Kennedy, a Republican nominated by a Republican President, spoke to the Ninth Circuit Judicial Conference about skyrocketing judicial vacancies in California and throughout the country. He said:

It’s important for the public to understand that the excellence of the federal judiciary is at risk.

He added:

If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.

The Advisory Board of the Ninth Circuit sent a letter last week to the majority and minority leaders urging action on pending nominations to address the growing vacancy crisis in that circuit. The Board writes: “Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit.” I will ask that this letter be printed in the RECORD at the conclusion of my statement.

The District of Columbia suffers from four vacancies on its Federal District Court. We have four outstanding nominees who could help that court, but they are now being delayed. Beryl Howell was reported by the committee unanimously. She is well known to many of us from her 10 years of service as a counsel on the Senate Judiciary Committee. She is a decorated former Federal prosecutor and the child of a military family. Robert Wilkins was also reported without opposition. James Boasberg and Amy Jackson could have been reported before Thanksgiving, but were needlessly delayed in Committee for another 2 weeks.

John Gibney of Virginia, James Bredar and Ellen Hollander of Maryland, Susan Nelson of Minnesota, Edmond Chang of Illinois, Leslie

Kobayashi of Hawaii, and Denise Casper of Massachusetts are the other district court nominees reported unanimously from the Judiciary Committee and could have been confirmed as consensus nominees long ago.

Another district court nominee is Carlton Reeves of Mississippi, who is supported by Senator COCHRAN and is a former president of the Magnolia Bar Association. Only Senator COBURN asked to be recorded as opposing his nomination. I believe Mr. Reeves would receive a strong bipartisan majority vote for confirmation.

Counting Judge Diaz, there are seven consensus nominees to the circuit courts who are being stalled on the Senate Executive Calendar. Judge Ray Lohier of New York would fill one of the four current vacancies on the United States Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than 6 months, as well. Scott Matheson is a Utah nominee with the support of Senator HATCH who was reported without opposition. Mary Murguia is from Arizona and is supported by Senator KYL and was reported without opposition. Judge Kathleen O'Malley of Ohio, nominated to the Federal Circuit, was reported without opposition. Susan Carney of Connecticut was reported with 17 bipartisan votes by the Judiciary Committee to serve on the Second Circuit. James Graves of Mississippi was reported unanimously to serve on the Fifth Circuit.

Many of these nominees could have been considered and confirmed before the August recess. 23 of them could have been considered and confirmed before the October recess. They could and should have been confirmed before the Thanksgiving recess. They were not. They are being held in limbo. They do not know where their life should be at this point, and their courts are empty.

They were not considered because of Republican objections that, I suspect, have nothing to do with the qualifications or quality of these nominees. These are not judicial nominees whose judicial philosophy Republicans question. Most of them were voted for by every single Republican on the Senate Judiciary Committee.

The President noted, in his September letter to Senate leaders, that the "real harm of this political game-playing falls on the American people, who turn to the courts for justice," and that the unnecessary delay in considering these noncontroversial judicial nominations "is undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment of perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices."

I think the Senate should end this across-the-board blockade against confirming noncontroversial judicial nominees. Democrats did not engage in such a practice with President Bush, and Republicans should not continue in their practice any longer. With 110 vacancies plaguing the Federal courts, we do not have the luxury of indulging in these kinds of games.

The Senate is well behind the pace set by the Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. In fact, at the end of President Bush's second year in office, the Senate, with a Democratic majority, had confirmed 100 of his Federal circuit and district court nominations. I know because they all, every one of them, were considered and confirmed during the 17 months I chaired the Senate Judiciary Committee. Not a single nominee reported by the Judiciary Committee remained pending on the Senate's Executive Calendar at the end of the Congress.

In sharp contrast, during President Obama's first 2 years in office, the minority has allowed only 41 Federal circuit and district court nominees to be considered by the Senate. In fact, in 2002, we proceeded in the lameduck session after the election to confirm 20 more of President Bush's judicial nominees. There are 34 judicial nominees ready for Senate consideration and another 4 noncontroversial nominations on the committee's business agenda. That is 38 additional confirmations that could be easily achieved with a little cooperation from Republicans. That would increase the confirmation from the historically low level of 41 where it currently stands, to almost 80. That would be in the range of judicial confirmations during President George H.W. Bush's first 2 years, 70, while resting below President Reagan's first 2 years, 87, and pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 127.

During the 17 months I chaired the Judiciary Committee during President Bush's first 2 years, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach. The committee held 25 hearings for President Obama's Federal circuit and district court nominees this Congress. I have not altered my approach and neither have Senate Democrats.

One thing that has changed is that we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed to hearings more quickly. During 2001 and 2002, President Bush abandoned the

procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

I was puzzled to hear the ranking Republican on the Senate Judiciary Committee say a few weeks ago that "President Obama's nominees have fared better and moved better than President Bush's nominees." I have worked with the ranking Republican in connection with our consideration and confirmation of the President's two nominees to the Supreme Court, Justice Sotomayor and Justice Kagan. He opposed both, but agreed that the process was fair. I have worked with him on procedures to consider the President's other nominees and with some exceptions we have been able to have the Judiciary Committee consider and report them. In terms of comparisons, however, we actually reviewed far more of President Bush's nominees during his first 2 years than we have been allowed to consider during President Obama's first 2 years.

The comparison is that I held 26 hearings for 103 of President Bush's Federal circuit and district court nominees and the committee favorably reported 100 of them. All 100 were confirmed by the Senate. We did that in 17 months. By comparison, during the 19 months the committee has been holding hearings on President Obama's Federal circuit and district court nominees, we have held 25 hearings for 80 nominees. Of the 75 favorably reported, only 41 have been considered by the Senate. Several required cloture petitions and votes to end unsuccessful Republican filibusters. There were no Democratic filibusters of President Bush's nominees during the first 2 years of his Presidency.

In sum, the bottom line is that the Senate has been allowed to consider and confirm less than half of the Federal circuit and district court nominees we proceeded to confirm during President Bush's first 2 years. Forty-one confirmations does not equal or exceed the 100 confirmations we achieved during the first 2 years of the Bush administration. For that matter, the 75 Federal circuit and district court nominees voted on and favorably reported on by the Senate Judiciary Committee does not equal the 100 we reported out in less time during the Bush administration. How the ranking Republican can contend that President Obama's nominees "have fared better and moved faster than President Bush's nominees" during their first 2 years in office is beyond me.

When I became chairman of the Senate Judiciary Committee midway through President Bush's first tumultuous year in office, I worked hard to

make sure Senate Democrats did not perpetuate the judge wars as a tit-for-tat. Despite the fact that Senate Republicans pocket-filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

This chart shows where we were. President Clinton became president and in the first couple of years we went from the 109 vacancies down to 49. Then the Republicans took over, they started pocket-filibustering, and the vacancies went up to 110.

Democrats were in charge for 17 months with a Republican President. We said we were not going to play the games that they did with President Clinton. We brought judicial vacancies down to 60 under President Bush. We actually moved judges faster for President Bush than the Republicans did when they regained control of the Senate.

Towards the end of President Bush's presidency, we got the vacancies down to 34. However, since President Obama has been in power, confirmations have been held up, and vacancies again reached 110. That might sound good in some kind of fund-raising letter. It doesn't sound good if you are the one trying to have your case heard in a court. It does not sound very good if you are the prosecutor and you want a criminal prosecuted and the judge is not there.

What I cannot understand is why, having worked with President Bush to bring the Federal court vacancies down from 110 to 34, and the Federal circuit vacancies which were at a high of 32, down to single digits, judges are still being blocked. It looks like old habits die hard.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than 4 percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans are returning to the strategy they used during the Clinton administration of blocking the nominations of a Demo-

cratic President, again leading to skyrocketing vacancies.

Last year, the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. The judiciary is not supposed to be political or politicized. When litigants are in a Federal court, they assume they will get impartial justice, regardless of whether they are a Republican or a Democrat. But this kind of game playing, of holding up nominees of a Democratic President, hurts the whole administration of justice.

This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are again at 110, more than 10 percent.

There are also the personal consequences. We have highly qualified people who get nominated for the Federal court, with backing from the Republican and Democratic Senators from their State. They are in a law practice, and everybody congratulates them. However, their firms are limited in what cases they can take if the nominee stays on, and they end up in limbo.

Many of those people are taking a huge cut in pay to go on the Federal bench. Suddenly, they are forced to wait for 6, 7, 8 months, without being able to earn anything. Then eventually they are confirmed 100 to 0. This needs to change.

Regrettably, the Senate is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Mr. President, I ask unanimous consent that the materials to which I referred be printed in the RECORD.

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

[From the Washington Post, Nov. 19, 2010]

UNCONSCIONABLE DELAYS FOR PRESIDENT OBAMA'S COURT PICKS

Mary Helen Murguia enjoys the support of her two Republican home state senators, Jon Kyl and John McCain of Arizona. The Senate Judiciary Committee unanimously approved her nomination in August. Yet Ms. Murguia, President Obama's pick for a seat on the U.S. Court of Appeals for the 9th Circuit, has yet to receive a full vote on the Senate floor.

Albert Diaz, a 4th Circuit nominee, has waited even longer—nearly one year—for his

floor vote after receiving a thumbs-up from all 19 of the Judiciary Committee's members and winning the backing of his Republican home state senator, North Carolina's Richard Burr.

Even trial court nominees—typically not the target of stall tactics or intense attacks—are getting caught up in the perplexing political game. Kimberly J. Mueller, for example, also earned unanimous approval from the Judiciary Committee for a California trial court that is among the busiest in the country; she has spent the past six months waiting for final approval.

In all, 23 of Mr. Obama's nominees are awaiting a Senate floor vote; 16 of them received unanimous approval from the Judiciary Committee and the vast majority were deemed "well qualified" by the American Bar Association. Eight—including the three mentioned above—have been tapped for seats designated "judicial emergencies" because of the length of the vacancy and the workload of the court.

There is plenty of blame to go around for the delays, starting with the president, who has been slow and often late in sending up names. The White House has also been timid in fighting for nominees. Senate Majority Leader Harry M. Reid (D-Nev.) has not been assertive in scheduling floor votes, and the push by some interest groups to win confirmation for liberal favorites such as controversial 9th Circuit pick Goodwin Liu may be holding up progress on the broader slate of more moderate nominees. Republicans, including Minority Leader Mitch McConnell (Ky.), have been all too eager to object to votes even on nominees with bipartisan support. The stall tactics are undoubtedly payback for Democratic filibusters of controversial but highly qualified nominees of President George W. Bush. The difference today is that even nominees without a whiff of opposition are being blocked.

Presidents deserve significant deference in judicial nominations, and every nominee deserves an up-or-down vote. But the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive. These nominees should be confirmed swiftly before Congress recesses next month.

[From the Charlotte Observer, Nov. 21, 2010]
SENATE MUST END GAMES, CONFIRM STRONG N.C. JUDGES; CONGRESS' FAILURE TO APPROVE DIAZ, EAGLES IS SHAMEFUL

So here we are, 297 days after the Senate Judiciary Committee unanimously—unanimously!—recommended Judge Albert Diaz of Charlotte for a seat on the federal appeals court. Thanks to infantile political gamesmanship, the Senate still has not confirmed him. And so a judge that most everyone agrees is well-qualified languishes in limbo and a busy court one step below the U.S. Supreme Court remains in a staffing crisis.

Time is running out on the Senate to do the right thing. If it does not confirm Diaz in the current lame duck session, his nomination expires. That would be an ignominious chapter for that once-august body. Facing the same fate: Catherine Eagles of Greensboro, another qualified, non-controversial nominee who in May easily won the Judiciary Committee's approval for a federal judgeship in North Carolina.

Diaz and Eagles are among a couple dozen capable judges whose careers are being hamstrung by partisan high jinks. The whole farce helps explain why the public is disgusted with how Congress operates these days. Many members put party before country.

Democrats and Republicans alike have blocked skilled judicial nominees over the years, particularly in North Carolina. Today,

each party claims that the other is to blame for the current impasse. It appears, though, that Sen. Mitch McConnell, R-Ky., is the biggest impediment.

Republican Sen. Richard Burr and Democratic Sen. Kay Hagan both support Diaz and Eagles. Burr should publicly and privately work to persuade McConnell to permit up-or-down votes on these nominees, without a paralyzing 30 hours of debate on each and every one of them.

This all matters because dozens of seats have reached a level of “judicial emergency,” according to the Administrative Office of the U.S. Courts, meaning the workload is unsustainable and judges are needed. That includes the 4th U.S. Circuit Court of Appeals in Richmond, Va. North Carolina is the largest of five states in the circuit but until recently had only one of its three seats on the bench filled.

Diaz, a special Superior Court judge specializing in complex business litigation, is trying to fill a seat that has been vacant for three and a half years. Eagles, a senior resident Superior Court judge, would fill a judgeship that has been vacant for nearly two years. Both received the highest rating from the American Bar Association—“unanimously well qualified.”

McConnell recently reversed his position on earmarks. If he has any sense, he'll now reverse himself on blocking qualified judges this state and the nation need.

[From the Politico, Nov. 18, 2010]

LET'S FIX JUDICIAL NOMINEE PROCESS

(By: Abner J. Mikva and Timothy Lewis)

When the Senate left for the election recess, it had confirmed just one of the 48 pending judicial nominees. Its failure to consider nominations has exacerbated a vacancy crisis for our federal courts that has reached critical proportions.

Almost one in eight seats on the federal bench is empty and has been for months. This grave problem is only likely to worsen as more judges retire and senators block efforts to appoint new ones.

As federal judges appointed by presidents from different parties, we urge the Senate to end the excessive politicization of the confirmation process that is creating these delays.

This obstruction and the way it undermines our democratic process would be outrageous at any time. But it is especially shameful now, because many of these qualified nominees received bipartisan support when nominated and were then approved by the Senate Judiciary Committee with broad support. Yet they have waited more than a year to be confirmed because the Senate never put their nomination to a vote.

Instead of confirming these nominees, some senators have used secret holds and filibusters to block the votes, leaving nominees in limbo for a year or more and undermining the credibility of our judiciary. Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office.

These tactics are, as one senator noted, “delay for delay’s sake.” They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

There are now 106 vacancies on the federal courts, almost half deemed so debilitating that they are labeled “emergencies” by the Administrative Office of the U.S. Courts. An additional six seats are slated to become vacant in the next few months. This is untenable for a country that believes in the rule of law.

An increasing number of public officials are now speaking out. President Barack Obama called on the Senate to “stop playing games” with the judicial nominations process. Supreme Court Justices Anthony Kennedy and Ruth Bader Ginsburg each independently criticized the partisanship that has permeated the confirmation process. Several other former federal judges joined us in writing a letter to Senate leaders, expressing our dismay and calling for a better confirmation process.

With the Senate now back for the lame-duck session, political pressure on nominations may not be so intense. This is the time for the Senate to return to an effective process for confirming judges—one that can eliminate the appearance of excessive partisanship and apply to both Democratic and Republican administrations.

Only in this way can we begin to restore the public’s faith in the integrity of our judiciary, a crucial element of our Constitution’s delicate system of checks and balances and fundamental to our democratic system of government.

FEDERAL BAR ASSOCIATION,
OFFICE OF THE PRESIDENT,
New Orleans, LA, November 19, 2010.

Hon. HARRY REID,

Majority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,

Minority Leader, U.S. Senate, The Capitol, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: I write on behalf of the approximately sixteen thousand members of the Federal Bar Association (FBA) to encourage expedient Senate floor action on the judicial candidates reported out of the Senate Judiciary Committee and awaiting a Senate floor vote. As the Senate reconvenes, there is a very real need—in the interest of our federal court system—for the Senate to fulfill its constitutional responsibility to vote on these pending nominees.

The FBA is the foremost national association of private and public attorneys engaged in the practice of law before the federal courts and federal agencies. We seek the fair and swift administration of justice for all litigants in the federal courts. We want to assure that the federal courts are operating at their full, authorized capacity and that justice is timely delivered by the federal courts. The large number of judicial vacancies prevents the prompt and timely administration of justice in the federal courts. This is causing unnecessary hardship and increased costs on individuals and businesses with lawsuits pending in the federal courts.

Our Association’s interest is focused upon prompt, dispositive action by the Senate in filling vacancies as they arise on the federal bench. Prompt, dispositive action by the Senate on judicial candidates will assure that lawsuits filed in our federal courts are heard and decided with out delay. The justice system suffers when vacancies are not filled in a timely manner. Vacancies create a burden of added litigation and economic costs that at times overwhelm the system and its ability to hear and decide matters in a timely and effective manner.

Seventeen of the 23 federal judicial candidates who await a Senate floor vote have been approved by the Senate Judiciary Committee by unanimous consent or without controversy. These candidates deserve an up-or-down vote before the 111th Congress reaches an end.

In particular, 7 of these 17 noncontroversial judicial candidates cleared by the Senate Judiciary Committee have been nominated to circuit and district court judgeships that have stood vacant for substantial peri-

ods of time and are associated with courts with especially high caseloads. These vacancies have been designated as “judicial emergencies” by the Judicial Conference, the policy-making body of the federal judiciary, because each vacancy has existed for a significant period of time and is associated with a court that has caseloads that are considerably higher than normal.

The 7 candidates associated with judicial vacancies that have been designated as “judicial emergencies” are:

Albert Diaz, nominated to the Fourth Circuit Court of Appeals (North Carolina), to the judgeship vacated by Judge William Wilkins on July 1, 2007; this vacancy has existed for 1237 days.

Kimberly Mueller, nominated to the Eastern District of California, to the judgeship vacated by Judge Frank C. Damrell on January 1, 2009; this vacancy has existed for 1091 days and is located in the federal district court with the highest caseload in the nation.

Raymond Lohier, nominated to the Second Circuit Court of Appeals (New York), to the judgeship vacated by Justice Sonia Sotomayor on August 6, 2009; this vacancy has existed for 470 days.

John A. Gibney, nominated to the Eastern District of Virginia, to the judgeship vacated by Judge Robert E. Payne on May 7, 2007; this vacancy has existed for 1293 days.

Susan R. Nelson, nominated to the District Court of Minnesota, to the judgeship vacated by Judge James R. Rosenbaum on October 26, 2009; this vacancy has existed for 389 days.

Mary H. Murguia, nominated to the Ninth Circuit Court of Appeals (Arizona), to the judgeship vacated by Judge Michael Daly Hawkins on February 12, 2010; this vacancy has existed for 280 days.

Carlton W. Reeves, nominated to the Southern District Court of Mississippi, to the judgeship vacated by Judge William Henry Barbour, Jr. on February 4, 2006; this vacancy has existed for 1748 days, the longest period of any of these seven candidates.

The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the federal bench. The FBA’s foremost interest lies in the assurance of prompt, dispositive action by the President in nominating qualified federal judicial candidates and the Senate in either confirming or not confirming them in a prompt manner. Such action will ultimately reduce the number of vacancies to a more tolerable level.

The Federal Bar Association firmly believes that all judicial candidates, once cleared by the Senate Judiciary Committee, deserve a prompt up-or-down vote by the Senate. Swift action is particularly needed on those candidates associated with federal circuit and district courts whose caseloads are in emergency status. We urge the Senate to vote upon these pending nominees before the end of the current legislative session.

Thank you for your support of the nation’s federal court system and your consideration of our views.

Sincerely yours,

ASHLEY L. BELLEAU.

ADVISORY BOARD OF THE NINTH CIRCUIT,

November 24, 2010.

Hon. HARRY REID,

Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,

Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to you as members of the Advisory Board of the Ninth Circuit to seek your assistance and commitment to solve a growing—and increasingly urgent—crisis facing the federal courts of the Ninth Circuit: the ever expanding number of vacancies on both

our district and appellate courts. This growing crisis threatens the effective delivery of justice to the people and businesses who come before our federal courts.

We recognize that you cannot solve this problem alone. The President must select and submit to the Senate for review nominees to fill these vacancies. Consequently, we are seeking the assistance and commitment of the President to address this crisis as well.

It is no exaggeration to call the growing number of judicial vacancies on our federal courts a crisis. Between 1981 and 2008, there were on average 48 vacancies each year for all of the lower federal courts, including vacancies created by two bills expanding the number of federal judges. Over this same period, the nomination and confirmation process filled only 43 vacancies on average each year, causing the vacancy rate to more than double in the last 30 years. In the Ninth Circuit, the number of vacancies has doubled in the last 22 months.

This fact alone would signal a serious problem but the situation is very likely to get worse. Over the next decade, the number of vacancies on the lower federal courts is likely to increase because of the age of current judges and the need to expand the judiciary to keep up with caseload growth. The Justice Department has estimated that annual vacancies over the coming decade will average closer to 60 positions each year. In the last two years, however, only 41 federal judges have been nominated and confirmed to the federal district and appellate courts nationwide. Unless something changes quickly and dramatically, at the end of the coming decade, half the seats on the lower federal courts could be empty.

The Ninth Circuit is fully immersed in this growing crisis. There are currently 18 vacancies among the 142 authorized appellate and district court Article III judges in the Circuit. The President has forwarded to the Senate nominations for ten of these vacancies but the Senate has yet to act on them. While the Senate has confirmed seven nominees to vacancies within the Circuit since January 1, 2009, seven have been pending without a confirmation vote for more than 120 days and three of these have been voted out of the Senate Judiciary Committee and forwarded to the full Senate for action with little or no Committee opposition.

As you know, our federal judiciary at all levels is a beacon of justice across the country and around the world. The judges who sit on our federal courts are dedicated to their jobs and committed to both the rule of law and the ideal of justice for all. Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit.

We recognize that both the President's role in nominating individuals to serve as federal judges and the Senate's role in reviewing and determining whether to confirm those nominees are solemn and serious duties. The health and integrity of an entire branch of our government depends on the faithful and careful execution of these duties. We believe, however, that a crisis in one of our branches of government also demands swift, effective, and appropriate action from the coordinate branches. According to the Library of Congress, from 1977 to 2003, the average time from nomination to confirmation for lower federal court judges was less than 90 days. Current vacancies nationwide have been pending for an unsustainable 516 days. On average, the vacancies filled by the 41 judges confirmed during the 111th Congress were

pending 803 days from vacancy creation to confirmation. We can and must do better.

For this reason, we ask you to make a commitment to a confirmation vote in the Senate for each judicial nominee within no more than 120 days after the Senate receives a nomination from the President. We will make a similar request of the President to forward nominations to the Senate within no more than 120 days after the President learns of a judicial vacancy. While Congress will ultimately need to pass legislation to expand the federal judiciary, filling the current vacancies in a more timely manner will do much to alleviate the immediate crisis and improve the delivery of judicial services to those who come before the federal courts.

We are convinced that with your leadership and that of the President we can solve the vacancy crisis facing our federal courts. We urge you to make a clear and open commitment to address the vacancy crisis in the Ninth Circuit as expeditiously as possible. Thank you for your consideration of this request.

Sincerely,

Todd D. True (Chair), Seattle, WA; Steve Cochran (Past-Chair), Los Angeles, CA; Robert A. Goodin, San Francisco, CA; Margaret C. Toledo, Sacramento, CA; Janet L. Chubb, Reno, NV; Miriam A. Vogel, Los Angeles, CA; Robert S. Brewer, Jr., San Diego, CA; Eric M. George, Los Angeles, CA; William H. Neukom, San Francisco, CA; Norman C. Hile, Sacramento, CA; Harvey I. Saferstein, Los Angeles, CA; Dana L. Christensen, Kalispell, MT; Robert C. Bundy, Anchorage, AK.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

Mr. BROWN of Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS

Mr. BROWN of Ohio. Mr. President, I will in a moment—in the spirit of fair play, we are waiting for some Republicans to enter the Chamber—I will ask unanimous consent that the Finance Committee be discharged from S. 3981 so we can bring up and move forward on maintaining unemployment benefits for thousands of people. In my State alone, last night at midnight, 88,000—that is 1,000 people in every county; we have 88 counties in Ohio—Ohioans saw their unemployment benefits stopped because my colleagues on the other side of the aisle do not want to maintain unemployment benefits. What is shocking to me is that this Senate and the House of Representatives, regardless of party, for years, when our coun-

try has been in bad economic times, have maintained unemployment benefits for laid-off workers.

Senator MCCONNELL, the Republican leader, has made a couple comments that disturb me and make it very hard to do this. We need a supermajority. We need 60 votes. They continue to filibuster or threaten to filibuster. Senator MCCONNELL has made two statements, one through a letter in the last 24 hours and one 3 or 4 weeks ago when he said his No. 1 goal is that Barack Obama be a one-term President. I understand political parties, but his No. 1 goal is that President Obama serve only one term? Minority Leader MCCONNELL, in a letter signed by all his Republican colleagues, which was sent to Senator REID, signed by every Republican, said:

We write to inform you we will not agree to invoke cloture on the motion to proceed on any legislative item until the Senate has acted to fund the government and we have prevented the tax increases that currently will happen in January.

What the Republicans are doing, I don't even understand it. They are saying they insist on a millionaire and billionaire tax cut come January, and they will, for all intents and purposes, shut down the government if they don't get their way. They are saying: Forget extending unemployment benefits, forget food safety legislation, forget don't ask, don't tell, forget the Russian-American START treaty—it used to be that politics ended at the water's edge; those days are over—and forget a middle-class tax cut. They are saying: We will shut down the government if we can't get a tax cut for billionaires and millionaires. My first priority is extending unemployment benefits to the 60 or 70,000 Michiganders; perhaps from the State of Senator SCHUMER, I would guess over 100,000 New Yorkers; from New Mexico, I would guess probably 10,000; and Alaska, thousands in that State. They are willing to say to those unemployed workers—and this is not unemployment welfare; this is unemployment insurance. Every worker in the State, he or his employer—academicians will debate whether the employee or employer actually pays it, but they put into the unemployment insurance fund. When they are laid off, they get money out of the fund. It is similar to health insurance or car insurance. You don't want to collect on it, but it is called insurance. You hope you are working so you don't have to collect on it, but they need to.

There are five people applying for every open job, on average. In Michigan and Ohio, it is probably worse than that. These are not people sitting around with nothing to do, not wanting to work. I will not do this today, but I have read letter after letter from Ohioans saying: Here is my story. I have lost my medical coverage because I don't have a job, and you are cutting off my unemployment benefits—"you" meaning the Republican filibuster.

They will say: I am about to lose my house, and I have to tell my 12-year-old daughter we will have to switch schools, and I don't even know what school we will go to because we are going to live in an apartment somewhere else because the house is foreclosed on. They are now going to the food bank they used to give money to.

Do my Republican colleagues know any of these people? Do they go out and talk to people who have lost their jobs and have to explain to their families that they will lose their house and explain to the wife that their insurance has been canceled because they will not extend unemployment benefits? This is not a big, new welfare program. This is extending unemployment benefits. I just don't get it. They would rather do tax cuts for millionaires and billionaires. They would rather borrow \$700 billion from the Chinese, put it on a credit card that their kids and grandkids will have to pay off, and then give it to billionaires and millionaires. That is the choice they are making.

It is clear whose side people are on here. Are you on the side of maintaining unemployment benefits or are you on the side of millionaires and billionaires? Are you for giving a tax cut to the middle class, moving to pay down the budget deficit? It is so clear what we need to do.

My colleagues still aren't here to make the request. I will add a few more comments.

The other reason to maintain unemployment benefits is all economics. Senator McCAIN, when he was a candidate, his chief economic adviser said the best way to grow the economy, the best stimulus dollar you can spend is unemployment insurance. Because when you put a dollar in a laid-off worker's pocket from Lima or Zaynesville, she will spend it at the local grocery store, the local shoe store, to pay property tax, to pay the gas bill, whatever.

That money is recycled in the economy. You give a tax cut to upper income people—a millionaire or billionaire—according to JOHN McCAIN's economic adviser, you only get a 32-cent bang for your buck out of that versus \$1.60 when you extend unemployment benefits, when you pay unemployment benefits. What that means clearly is the best thing to do for our economy is these unemployment benefits, not tax cuts for somebody already making \$3 million a year. They are not going to buy anything more. They already have what they need. To give them another \$30,000 or \$50,000 in tax cuts simply does not mean anything.

It is so important for purposes of the budget deficit, it is so important for purposes of growing this economy, and it is so important because it is the right thing to do for our workers, our laid off people, our communities that suffer if these workers are not spending these dollars in our communities. It is just so important that we move forward and do that.

Mr. President, I will yield the floor for one of my colleagues who has another unanimous-consent request.

Mr. SCHUMER. Mr. President, before my colleague sits down, would he yield for a question?

Mr. BROWN of Ohio. Yes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank you, Mr. President.

The beginning of this letter, signed by 42 of our Republican colleagues, says:

The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans.

I just want to clarify what my colleague is saying. We will all be talking about this. It is more important to the people on the other side of the aisle to get tax breaks for millionaires and billionaires than move forward on unemployment insurance. We are going to ask unanimous consent on that proposal and on other proposals which we will hear from.

But is my colleague basically saying, despite the fact that our colleagues admit unemployment is high—many are out of work—their solution to unemployment and people looking for jobs is to give tax breaks to people who are making millions and billions of dollars and people who did very well over the last decade—the only group? Is that basically it?

Mr. BROWN of Ohio. Yes, that is it. To illustrate that further to Senator SCHUMER and to the Presiding Officer, as to the last two big tax cuts that were done in this country for the wealthy—in 2003 by President Bush, in 2001 by President Bush—we know what happened from those two tax cuts. In the 8 years of President Bush, the hallmark of his economic policy was two major tax cuts for the wealthy, and there was a 1 million job increase in those 8 years during George Bush's Presidency—a million jobs—not even a net increase, not even enough to keep up with people coming out of the Army or coming out of college or high school.

During the Clinton years, where they had a mix of tax cuts, some increases for higher income people, and they balanced the budget, did some budget cuts that Senator MCCASKILL supports—some of those—we ended up during President Clinton's 8 years with a 22 million job increase. There was a 22 million job increase by managing the budget right and giving assistance to middle-class people.

In the Bush 8 years, with tax cuts for the wealthy: 1 million jobs. Yet Republicans now are arguing that the most important thing, possibly, to do for the economy, the most important thing to do for our country, is to reward the people who have already done very well in the last 10 years, at the expense of the broad middle class who have seen basically stagnant wages or worse during this decade.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will be very brief.

We are here on the Senate floor, and we will be staying on the Senate floor for a little while to make one point. I would say this to the American people: We have an economy that needs improvement, and our colleagues have said they will not let anything happen, whether it be tax credits for employers who hire the unemployed, which I am talking about, help for the energy industry, tax credits to help manufacturers hire people, or unemployment insurance. All of those will be put on hold until we give tax breaks to the millionaires and billionaires who—God bless them—are wonderful. They are part of the American dream. But they are the one group that has done well. It seems to me, as we will talk about for the next little while, it is absolutely absurd to say that should be the linchpin of our economic policy.

We will ask unanimous consent to bring forth proposals that we think will do far more to get people back to work and help the middle class stretch the paycheck than giving tax breaks to the billionaires.

I yield the floor because I know my colleague wishes to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just to follow with my colleagues—and I so appreciate the Senator from Ohio and his comments regarding what is happening to people who have lost jobs through no fault of their own—five people at least are looking for every one job that is available. There is a critical urgency families feel. I thank the Senator from New York for his passion as well as my other colleagues.

Let me take a moment to emphasize what we are talking about. The Republicans—and they have now done through a letter to the leader—are basically saying they are willing to risk everything—everything—to give a bonus tax cut—as my friend and colleague from Alaska talks about, not a tax cut. Everyone is going to get a tax cut on their first \$250,000 of income. They want a bonus tax cut on millionaires and billionaires that for the average millionaire will be about \$100,000 next year, which is more than the average person in Michigan makes in a year. So they are willing to shut this place down and risk everything in order to be able to get a bonus tax cut for millionaires and billionaires.

What does that mean? Well, they are willing to risk the deficit. They say we cannot help people who are out of work because it will cost \$50 billion unless it is totally paid for. But \$700 billion for their wealthiest friends and supporters is OK. So they will risk the deficit.

They will risk jobs. Where are the jobs? We have had 10 years of this policy, 10 years of this policy of tax cuts at the top waiting for it to trickle down. They think we just have not waited long enough. Folks in Michigan

have waited far too long for it to trickle down. We are tired of waiting. We want a proposal that works.

I will put forward a unanimous-consent request on something that has worked, an advanced manufacturing tax credit that has allowed now a number of businesses—I think over 12 businesses—to open in Michigan with clean energy manufacturing, stamped “Made in America.” In fact, we want to see “Made in Michigan” stamped on everything. We need to extend this tax credit because it is putting people back to work in Michigan and across the country. I will be making that unanimous consent request in just a moment. But they are willing to risk jobs, go home without focusing on jobs.

They are willing to hold tax cuts for middle-class families and small businesses hostage for a tax cut for a few people at the top. We will not be lectured by them about small business, by a group of folks who have filibustered 16 different tax cuts for small businesses in this Congress—16 different tax cuts—including 8 tax cuts for small businesses in the small business jobs bill that added capital for small businesses last fall. So, believe me, we are here for small business as well as middle-class families.

Social Security and Medicare: The debt commission is coming out with very serious recommendations that are focused on Social Security and Medicare. They are willing to risk that by adding more to the debt. Does that mean more changes to Social Security and Medicare?

Then, finally, help for people who are out of work: They are willing to say our country, our great country, is not good enough, is not strong enough to step up when our families need it the most—families who never before in their lives have needed help. For the families in my State, the average person is 50, 55, 60 years old, who has worked all their life and never dreamed they would find themselves in this situation. But here they are, through no fault of their own.

Now, in this holiday season, when we are asking that we just extend the regular program, not even dealing with the long-term unemployed, which is also what I want to do, but to extend the regular program so the person who today loses their job gets the same kind of opportunity to get help as the person who lost their job on Monday, because today over 100,000 people in Michigan are going to lose the opportunity to get any kind of temporary help because they lost their job.

So our colleagues have set their priorities, big letters, tax cuts for millionaires and billionaires. They do not want us to do anything else until that gets done. We have a different set of priorities on behalf of American families, middle-class families, small businesses, people who need help right now.

I am going to yield the floor at the moment, but I am going to be happy to have a unanimous consent request re-

garding a very effective jobs tax credit that we could pass today and get going and get people back to work.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

Mr. BEGICH. Mr. President, thank you very much.

Earlier today I spoke on the Senate floor and talked about how the economy is fragile but going in the right direction and how many of us on this side of the aisle—as a matter of fact, all of us on this side of the aisle—took a lonely road over the last 2 years on some controversial issues that the public sees as controversial, but we knew we had to do something—something—to get this economy moving, and we are now seeing the benefits.

Every time I open—I do not care if it is the Wall Street Journal, Business Week—you name the business magazine or newspaper—which are not the liberal magazines; they are very conservative magazines and newspapers, or on the Internet—they will show you statistic after statistic that we are moving in the right direction. For this last month, I think it is 92,000 new jobs the private sector created. But in order to do it, we need to do some more.

I am a little frustrated by the letter. I also have a unanimous consent request that I hope to be able to bring up on HUBZones and to amend the Small Business Act. It is the idea of rebuilding local small businesses. What amazes me about this letter is it seems as though for some reason we can only do one thing at a time in this place.

Now, I come from local government where, as a mayor, we had to do multiple tasks because we always had many of them on the table. It did not matter whether it was public safety or creating jobs or rebuilding a neighborhood or working with the community, we had to do multiple things.

This country has multiple issues in front of it. We have an important START treaty that needs to be done. I am a member of the Armed Services Committee. Our national security is at risk, but for some reason the other side wants to wait until we give—I am not even going to call it a tax cut. I call it a bonus for the millionaires and billionaires. It is a bonus. It is not a tax cut. It is a bonus they want to give, \$700 billion of money we do not have. We cannot afford it. The working class of this country cannot afford it. The middle class cannot afford it. My son cannot afford it. My son's future kids cannot afford it—\$700 billion of more debt to give a bonus to the people who drove our economy into the ditch. I do not really get it.

It seemed as though when I came here there was going to be a logical thought process, great debate. Once again, we are down here. Nothing on the other side. They will come out. I know they will have their charts and one-liners about how the economy will fall if we do not give millionaires and billionaires another tax break or bonus. It is not going to. We are on the

road to recovery because this side took that lonely road when people told us: Wow, that is politically going to hurt you, and it did. We lost some people this last election. But leadership is not about taking the easy road, the easy answer, the simple solution.

We are in a very complex time with many issues facing us internationally and nationally—economic, energy, world issues. We have to be able to juggle those all and move them forward. The public demands it of us.

So this ultimatum, or whatever it is, this letter that they wrote just shows the classic tactic they have used the last 2 years. I mentioned this morning, and I will mention again, that I read in one of the political news stories yesterday that someone on the other side, one of the Senators from the other side, one of my colleagues, said: I can't believe it took us a week—a week—to do food safety. Neither can I. But it was not anyone on this side of the equation. Over there, they demanded us to have two 30-hour periods to debate food safety that ended up passing with over three-quarters of the body supporting it. Why? Because it is a good bill. But they wanted to delay it so we don't get to the main issues.

Again, Mr. President, I have a unanimous consent request. I want to give it. We thought they would be down here at 3:30. We thought they would be down here at 3:45. Now it is 4 o'clock. They told us to get busy. We are trying to get busy by doing some unanimous consent requests on job creation. But I will just tell you, it is important for us to recognize what their goal is here: delay, delay, not helping the American people, and basically giving bonuses to millionaires and billionaires, which is unreal.

I see my colleague from New York wants to jump in, so I am going to yield for my colleague from New York. Again, I am hopeful there will be Members on the other side so we can get on with propounding unanimous-consent requests to get the Senate moving.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I know my colleague from New Mexico wants to say a few words about some of the job-creating proposals he has that have been held up by Republicans blocking for their millionaire tax cuts, but here is a headline I wanted to alert my colleagues and the American people to. This is Newsweek. It came out today. I want to read this headline to the American people. And this is not a Democratic publication. “Republicans Hold Senate Ransom for Rich Tax Cut.” Let me repeat that. “Republicans Hold Senate Ransom for Rich Tax Cut.” I couldn't have said it better myself. That is exactly what the other side is doing. They are so eager to reward the wealthiest among us with a huge tax cut—even though we have a deficit, even though we have unemployment, even though we have so many

other things to do—that they are holding up the entire Senate.

Enough already. Enough already. And I would like them to come to the floor and defend holding everything up for a tax cut for the millionaires. We are willing, and many of us—I know the Senator from Missouri and myself—are saying: Give the tax cut to the middle class but not to the wealthiest among us, not because we don't like them, not because we don't admire them but, rather, because they are doing well, we have a deficit, and we have other problems.

“Republicans Hold Senate Ransom for Rich Tax Cut.” That says it all.

Mrs. MCCASKILL. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I will yield for a question.

Mrs. MCCASKILL. I say to the Senator through the Chair that an awful lot of economists have met with I think all the Senators about the frustrations we have with this economy. So the question we have asked over and over is, What is the most stimulative thing we can do for the economy? What can we do in terms of our actions that will provide injection of the most money into the economy and therefore create the most jobs?

I am wondering if the Senator could share with us what it is that is the most stimulative thing we can do.

Mr. SCHUMER. I thank my colleague from Missouri for the question, which I will answer through the Chair.

The most stimulative thing we can do is to extend unemployment benefits. Those folks will spend every dollar in our stores, in our restaurants, and it will create jobs. If we give a tax break to multimillionaires, oh, yeah, they will rush right to the supermarket to buy that prime rib because they didn't have the money. Please.

Mrs. MCCASKILL. Let me ask another question.

Mr. SCHUMER. I yield for another question.

Mrs. MCCASKILL. We obviously passed this tax cut a decade or so ago, and they decided to make it temporary, not permanent, when it was passed. So there was a decision made by the Senate that it wasn't worthy of being permanent, that it was temporary. So now here we are, it was temporary, and we have to decide whether we make it permanent. That is really where the rubber meets the road because—and correct me if I am wrong—they made it temporary to see if this tax cut for the wealthy would create jobs.

I am so sick of hearing on every TV show in America, well, if you give a 3-percent tax differential to the wealthiest people in America, they are going to create all these jobs. Well, I am trying to figure out where the jobs are that this tax cut for the wealthy created. This was an experiment. It didn't work. It didn't create the jobs. That is why we have this debate right now.

We have to decide whose side we are on. Are we on the side of the middle

class, with shrinking income, with more frustration because they can't do some of the basic things with their families that they always assumed they would be able to do in America or are we going to continue a bonus to the wealthiest Americans which doesn't even stimulate jobs?

In fact, what we are going to do today is we are going to make a number of unanimous consent requests for things that will create jobs and see whether we can get our Republican colleagues to go along.

The Senator was here for that debate, but I am assuming one of the reasons it was temporary was to see if this experiment in more bonuses for the wealthy would trickle down and create these jobs. It has been a decade, and I ask the Senator, how well has it worked?

Mr. SCHUMER. My colleague asks an excellent question. It has not worked. Unemployment is higher today with these tax cuts in effect than it was before they went into effect. We have had the slowest job growth in this decade even before the recession with these so-called breaks for the wealthy in effect.

Let's go back a decade. The tax rate was, for the wealthiest, at 40 percent. We are not talking about a huge increase here; we are talking about the difference between 35 and 39.6. But during that time, jobs were created at a much more rapid rate, No. 1; No. 2, middle-class incomes expanded at a quicker rate than they did in this decade; and No. 3, we had a surplus, not a deficit.

The bottom line is very simple: The tax cuts for the wealthy did not work. The tax cuts for the wealthy did not work. They may have their ideological reasons to give them, but I would rather see that money go not only for unemployment insurance—and I will talk later about this—but also for the HIRE Act, which gives breaks to businesses, where they do not have to pay the payroll tax if they hire someone who is unemployed; for energy tax credits, which my colleague from New Mexico will talk about; and for all kinds of different activities that have been proven to work.

I know my colleague from New Mexico is waiting, but I will once more read the headline from Newsweek, an article by Ben Adler, “Republicans Hold Senate Ransom for Rich Tax Cut.” How do you like that, America? I yield the floor because I know my colleague from New Mexico has been waiting.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I would emphasize what all my colleagues are saying, particularly what the Senator from Missouri said—a State that, as of last night at midnight, probably had some 40,000 to 50,000, to 60,000 unemployed people lose their unemployment benefits they had earned because they had worked and they and their employer paid into it,

but I would especially emphasize what she said.

Ten years ago, these tax cuts primarily, overwhelmingly, went to the wealthiest Americans, and it was an economic experiment. I opposed them. I was in the House then. Congresswoman STABENOW opposed them. She was in the Senate then, I guess. But it is clear they haven't worked—1 million jobs during the Bush years, 22 million jobs during the Clinton years.

As a result—and I would emphasize this too—all of these proposals we are going to bring forward now—and we will ask unanimous consent to get these passed to get the economy up and running—the cost of all of them is less than the cost of this tax cut to millionaires and billionaires.

So, Mr. President, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration, the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, we have heard here and in speaking with the Senators here on the floor about a really appalling action that has been taking place. I have a letter here signed by all of the Republicans who are really threatening to bring this place to a halt, completely bring it to a halt. They have written a letter to Senator REID, and in the letter, they say:

We write to inform you that we will not agree to invoke cloture on a motion to proceed to any legislative item.

They will not proceed to any legislative item until they get what I would characterize as these taxpayer-funded bonuses for millionaires and billionaires. So they are going to bring the entire Senate to a stop.

Their letter quotes President Obama saying:

We owe it to the American people to focus on those issues that affect their jobs.

Well, I have a bill right here that will affect the jobs of the American people. It is called the clean energy bill. This is a clean energy bill. It is S. 1574, the Clean Energy for Homes and Buildings Act.

As all of us know, clean energy is going to be the industrial revolution of the future, trying to move us toward renewable energy—solar, wind, biomass, and geothermal. This is where we are going to see job growth in the future. This is our chance to be out there in front on the technology we invented here in the United States. This is the way you create clean energy jobs.

So the demand they have issued to us—the ultimatum, really—is, you can't bring a clean energy jobs bill, which we have worked on very hard to get to the floor.

Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1574; that the Senate proceed to its immediate consideration; that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request just came to us moments ago. This is the first time we have seen this request, and I cannot speak to the merits of this bill or the problems that may exist.

What I do know is that 42 Senators from this side of the aisle have signed a letter to say that what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. President, some of these requests may have bipartisan support, but we don't know anything about the specific legislation as we have just received this request. I think almost every bill in this package of requests that we are going to be considering now is still in committee, so we don't even know if the ranking member of that committee has concerns or potential changes.

This is not the way to handle this. This is December; it is a lameduck session. Let's stop the theater and get to the business we all know we need to address.

I object.

Mr. SCHUMER. Would my colleague yield for a question?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico has the floor.

Mr. UDALL of New Mexico. Mr. President, the Senator from Wyoming has said these bills we are trying to bring to the floor here aren't out of committee. I believe he is incorrect when it comes to things such as the START treaty.

Here we have the Republican Party saying they aren't going to consider anything else until they get these taxpayer-funded bonuses for their millionaires and billionaires. That is what they are saying. Yet we have a treaty that is pending. It is on the calendar, Mr. President. If we look on that Executive Calendar there, it is on the calendar. We want to bring that up. In fact, I believe Senator KYL said today that we are not going to bring that up. We are going to stop everything. I saw him on television talking about how we are going to stop everything and that we are just not going to bring up that treaty.

So there are things pending on the calendar that are ready to go. And this treaty in particular deals with our national security. National security used to be an issue where Democrats and Republicans worked together. But with this letter, it looks as if they are not going to be bipartisan. They are going to issue this ultimatum, and they are not going to try to work with us on these kinds of issues.

While they are doing that, we no longer have inspections, we no longer are allowed to go to Russia and look at their sites and find out if they are complying with previous treaties. This new START treaty would allow us to do that. But, instead, what we are seeing here, over and over again, are these kinds of objections.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, may I ask my colleague from Wyoming a question in reference to what he just spoke about? I thank him for yielding for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, my colleague said he wanted to make sure his colleagues on that side of the aisle didn't want to do anything else until they made sure there was a tax cut for every American. Let me pose a hypothetical. Let's say we gave a tax break to every American whose income was below \$1 million but not to people above \$1 million. Would he and his colleagues continue to block things, such as the unemployment insurance, the HIRE Act, and energy tax credits? In other words, when the Senator says a tax break for every American, does he mean it has to be for millionaires?

Mr. BARRASSO. Mr. President, my statement was, what I do know is that 42 Republicans have signed a letter to say what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. SCHUMER. Would my colleague yield for another question, a followup?

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I would be happy to read the entire letter that was sent to Senator REID if there is some question as to what was exactly in that letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. My question is very simple. The Senator said he wanted to prevent a tax hike on every American. Hypothetically, if we prevented a tax hike on every American except the small number whose income was over \$1 million last year, would my colleague and his colleagues continue to block efforts to do any other piece of legislation?

Mr. BARRASSO. Mr. President, I am not going to answer a hypothetical. What I will tell you is, we did send a letter to Leader REID. I will be happy to go through the entire letter at this point:

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

With that, I tell you that all 42 members of the Republican Party, this side of the aisle, have signed their names.

I yield the floor.

Mr. SCHUMER. Mr. President, reclaiming my time, I have a great deal of respect for my colleague from Wyoming, but he has not answered the question and it is obvious why, because the Republican Party and all 42 members care as much or more about giving a \$100,000 tax break to someone whose income is \$1 million as they care to give a small tax break to somebody whose income is \$50,000. That is what we are here talking about.

The reason this letter and the response of my good friend from Wyoming to my question doesn't answer the question is because they are hiding. They are hiding behind the curtain of protecting the millionaires. We are

pulling that curtain open and we are showing the American people and will continue to show that the No. 1 goal of the Republican Party is not jobs, it is not helping the middle class, it is not getting our green energy industry going, it is not helping small businesses hiring people as in the HIRE Act, it is to give the millionaires a huge tax break and hold hostage that the middle class will not get their tax break. We are going to continue to go at it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I agree with one thing my friend from Wyoming said in the letter they signed, which is we should not be continuing job-killing practices. I would say after 10 years of tax cuts for the wealthy, where are the jobs? If there ever was a policy that didn't work, it was that one. We have lost, in Michigan alone, over 800,000 jobs under the policy they want to continue. In the country we have lost over 8 million jobs under the economic policy they want to continue—not helping the middle class, not helping small business but giving the bonus benefit, the extra tax cut to those at the top, hoping it will trickle down. Frankly, we are tired of waiting for it to trickle down.

What we are proposing and I am going to offer as a unanimous consent request is to continue something that is actually working, that is actually creating jobs in this country and beginning to turn manufacturing around.

I think the exchange between the distinguished Senator from New York with my friend from Wyoming is very telling. Even if we were talking about tax cuts for those up to \$1 million, that is still not enough.

This is not about small business. People on the other side of the aisle have filibustered and voted against 16 different tax cuts for small businesses in the last 18 months, 8 of those in September and October. This is not about small business. We are the folks who have been fighting for small business and will continue to do that, as well as those in the middle class.

I am going to ask, in a moment, unanimous consent for something that is an extremely effective and exciting new focus for our country; that is, on something called clean energy manufacturing. We are committing to making it in America. We want to see the words "Made in America" again. I want to see "Made in Michigan," frankly, on all those products.

One of the things that 18 months ago we passed as part of the Recovery Act was something called an advanced manufacturing tax credit, to allow companies to deduct 30 percent of their costs for new plants, new equipment, hiring people in the area of green energy: wind, solar, electric, batteries, and so on. We have seen across the country now, 183 new manufacturing facilities in 43 different States across

the country as a result of that. People are being hired, and every month we are seeing manufacturing numbers go up rather than down in the last 18 months. If, in fact, we add another \$5 billion, another small investment compared to the \$700 billion for millionaires and billionaires in the tax cut—if we just invest \$5 billion of that, it is estimated we will unleash at least \$15 billion in total capital investments, partnering with the private sector, and create tens of thousands of new construction and manufacturing jobs.

That is our priority—things that work, focusing on jobs and making things in America again.

Therefore, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3324, the Senate proceed to its immediate consideration and the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request, again, has come to us just moments ago. This is the first time we have had a chance to look at this. I will not speak to the merits of the bill and the problems that may exist, but this is not the way to handle this. As you know, we are now in December, in the lameduck session. There are things that could have been brought up any time in the last 1½ years to 2 years, and we have focused specifically on making sure taxes are not increased for Americans between now and January 1. All Americans are concerned about those taxes going up.

As a result, I think it is time to stop the theater we have and get to the business we all know we need to address and I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, this is not theater. This is about real people in my State who want to work. This is about investing in middle-class jobs and manufacturing. It is about taking a policy that has been in place now for 18 months that has worked and being able to extend it.

In terms of bringing this up for the first time, we have focused on it and have been debating it and discussing it over and over. The bill I asked unanimous consent for is bipartisan. This is not new. We have not been able to get through the obstructionism, the throwing of sand in the gears, and the filibustering to bring this up. If we want to focus on something between now and the end of the year, let's focus on jobs and getting people back to work.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of H.R. 4915, something we have been discussing the last week, and that all after the enacting clause be stricken and the substitute amendment at the desk, a fully offset repeal of section 9006 of the Patient Protection and Affordable Care Act, the Small Business 1099 paperwork mandate, be agreed to, that the bill, as amended, be read a third time and passed and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Ms. STABENOW. Mr. President, reserving the right to object, let me indicate, as someone who has voted in fact to repeal this particular provision, I think it is important we get that done. We actually have a majority of Members who have supported getting that done. Senator BAUCUS, the chair of the Finance Committee, brought forward a proposal that unfortunately did not get the bipartisan support necessary to be able to do it, but we are committed to getting this done. It is something I hope our colleagues will join with us in as we bring the tax bill to the floor before the end of the year. It is important, in my judgment, that we repeal this provision, which I do believe is onerous for small business, but it needs to be done in the context of the broader package, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming still has the floor.

Mr. BARRASSO. Mr. President, I appreciate the comments by my colleague from Michigan because this was brought to the floor previously but with a threshold of 67 votes, and there were two different approaches to trying to help the small businesses across the country that are all being held hostage by a very onerous paperwork requirement in filing. But the threshold of needing 67 votes was too high, even though people from both sides of the aisle voted for both the measures that were offered.

We want to help small businesses around the country and eliminate what the IRS says is going to be almost impossible to comply with, what small businesses say is going to be expensive to carry out, and what Senator JOHANNIS, in an amendment, has a paid-for solution. I think this is something we should, as a Senate and as a body, be committed to adopting. The President of the United States says this needs to be solved.

What I heard now is an objection to something I think is a very reasonable request, and I am sorry that objection has been made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Let me just indicate again, as a Senator who voted for both proposals that were in front of us, I could not agree more. We have to get this done. I believe there is a commitment on both sides of the aisle to get

this done. You are correct that the 67-vote threshold was very high. We need to come back in a different context and get this done. I am committed to working with my colleague to do that.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, my friend from Wyoming, who is a good guy, just said that the motions we are making, unanimous-consent motions—that these things could have been brought up earlier. Oh, if only it were true. If only it were true that we could have brought these things up earlier. If anybody has been paying attention, they would understand that our friends across the aisle have been blocking everything, including motherhood and apple pie, for the last year. They have voted unanimously to move judicial nominations out of the Judiciary Committee, and then they languish and they will not allow us to bring them up for a vote.

Then my friend said we need to stop the theater. Well, let me tell you what theater is. Theater is when a Senator says: If we cannot get everything resolved and all of the spending decisions made by Monday, well, then, I just don't think we can do the START treaty. Theater is having 42 Senators say: We will not participate unless you do what we want to do today. That is theater. That is theater. Theater is saying: Well, you could have brought this up earlier, when everyone knows they blocked everything we wanted to bring up. That is theater. What you are seeing on this side right now is a healthy dose of indignation on behalf of the American people who are hurting.

I think back. I think back to elections past when great patriots were accused in the most vivacious ways of being soft on national security. I remember a Senator who lost his limbs in battle who had advertisements run against him that somehow he was soft on terror because of a twist and distortion of a vote he had cast in the Senate.

Now fast forward. We have a treaty that the military unanimously supports, that the Secretaries of State for those Republican Presidents who warned us about loose nuclear weapons and terrorists—their Secretaries of State have stood up and said this is the thing to do. The ranking member of the Foreign Relations Committee in the Senate, Senator LUGAR—is there anyone more respected on what we should be doing to protect this Nation than Senator DICK LUGAR? And they are holding this treaty hostage to protect millionaires. Has it come to that? They now are willing to risk national security, the security of this Nation, because they refuse to allow us to stop the extra-big tax bonuses to millionaires and billionaires. Can you imagine what would have happened to somebody in my party who had the nerve to stand up in the face of our allies, our military, bipartisan support, everyone from Pat Buchanan to Colin Powell,

who has said to the American people that this START treaty is necessary? And they are saying: Well, if you don't give us a tax break for millionaires by Monday, we are going to go home. Really? It takes your breath away. It just takes your breath away. I have some unanimous-consent requests I will also make today, but I really want that to sink in.

We have reached every goalpost they have put up on the START treaty, and then they have moved it. We have no verification of nuclear weapons in Russia right now, and we haven't for months, and they are nibbling around the edges because—do you know what I believe this might be? I might believe this is part of the strategy that was announced by the leader of the Republican Party that their No. 1 priority is to defeat President Obama, to damage him. They want to deny the passage of this treaty, I believe—it certainly has the appearance, anyway, that this is about damaging President Obama.

We should be focused on our national security. We should be focused on giving tax cuts to Middle America. We should be focused on tax cuts to small businesses. We have done net tax cuts in this country of \$300 billion in the last 18 months, and all of those tax cuts were focused like a laser on the middle class and on small businesses.

Do not let anybody sell you a bill of goods that the Democratic Party is not fighting for tax cuts for Middle America and small business. Now, we are not so excited about the millionaires. Those are not stimulative. They have not created the jobs. It has been an economic experiment that has failed. Once again, the trickle down did not trickle. And it is time for us to get busy, make these tax cuts permanent for the middle class, and continue to try to reduce our deficit.

I see my friend. Nobody has worked harder, and I have tried to be a partner with him to reduce spending in the Federal Government. But this all of a sudden “we are going to take our football and go home if you don't give us what we want by Monday”—and here is the richest part of this. The person who is saying “we are going to go home on Monday if we don't get it by Monday” is the person who is negotiating. He is supposed to be negotiating at 5:30. I mean, it is like looking in the mirror and saying: Hey, if you don't get it done by Monday—if he wants to get it done by Monday, then be reasonable about the millionaires. Be reasonable about the millionaires, and we can get this done, and we can go home and celebrate Christmas with our families and come back and start hard next year to reduce this deficit with a good downpayment—\$300 billion going to reduce the deficit because we are not going to give a very small, incremental tax increase to people who have plenty of cash right now. What they really need, those millionaires, they need the middle class to have some money to spend to create the demand. That is the eco-

nomics policy that makes sense in this climate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I have a unanimous consent I wish to do, but before I do that, I want to say that I know the Senator from Wyoming is not here right now, but I want to echo the point that we are going to deal with the 1099s. It is a question of making sure we pay for it the right way. I do not think anyone in this body—we are motivated and I think a lot of us are working in a bipartisan way to resolve that issue.

As someone who has been in the small business world since the age of 14, who has had a business license since that age, I have aggressively talked about the issue of small business, I have lived small business, and I clearly understand what the 1099 is all about. I talked about this issue back in July and made it clear that we need to deal with it and get rid of it. So we are going to be working on it. We will see this, hopefully, as part of the tax package, a tax extender package, and we will deal with it.

I come to the floor because I also have a unanimous consent I would like to do in regard to small business. This is a bill that will help what they call HUBZones, HUB areas that are high unemployment to the tune of 140 percent of the average adjusted unemployment rate. These have been very helpful for many different communities across this country as well as in our State.

This is the Rebuilding Local Business Act of 2010. It amends the Small Business Act and designates HUBZones and gives them another 3 years of opportunity.

Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 3563 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object—and I wonder if I might be recognized to speak following the objection I intend to make—reserving the right to object, Republicans have said that we believe the single most important step we can take to create jobs is to keep the current tax rates, which will go up automatically on January 1; secondly, we need to fund the government—funding expires this Friday; and that after that, we can move to whatever else the Democratic leader would like to bring up. We should fund the government, keep the tax rates where they are, freeze spending, and go home.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. BEGICH. Mr. President, still having the floor, let me respond. First off, I want to make sure, as the public is watching this, what that means. Keeping the tax rates where they are means millionaires and billionaires continue to get a bonus because that is what it is, with no disrespect to my colleague on the other side. I mean, corporations, businesses today—and I can speak about this, again with no disrespect to my colleague, as someone in the small business world. Our family is in this business. My wife owns four retail stores, started from scratch, just as I did in many of my businesses. The small business community—the small business community—benefits not by the people over the 2 percent, the top 2 percent; the small business community are the ones below that. Half of the businesses in this country, the small businesses, gross less than \$25,000. That is a fact.

So for us to just kind of continue business as usual and keep these tax rates where they are for the millionaire and billionaire club—that didn't help us the last 3 years. The fact is, right now they have those tax breaks. Right today, they have those. They had them last year. They had them the year before. And what happened to this economy? It crashed and burned almost to the ground. What has happened to the millionaire and billionaire club? They have more money in their bank accounts today than ever before. That is not me saying it; that is other independent data out there. Corporations have more cash on hand today than they have had in decades.

So for us now to say: Hey, let's give the millionaires and billionaires another bonus for the next year for running our economy into the ground doesn't make any sense to me and doesn't make sense to the people back home in my State, the Alaskans I talk to every single day. As a matter of fact, when I came here in January of 2009, we were in our fourth or fifth month, if I remember right, of losing 500,000 to 700,000 jobs a month. Do you know what that is equal to? That is the total population of my State every single month being lost.

People who are saying we have to make sure the millionaires and billionaires have this \$700 billion bonus, paid for by the taxpayers of this country, to drive us more into debt, and believe that is going to solve this economic problem is absolutely wrong. I have had to scratch nickles and dimes together to build businesses. I have done it before. I have succeeded and failed. That is not what grows business, giving millionaires and billionaires breaks. What makes a difference, for example, is the small business bill we passed, where we only got two votes on the other side, a small business bill that brought money to loan small businesses. That is what makes a dif-

ference, or extending the tax credit, which we did, not only during the recovery bill, the stimulus bill, which I know everyone on the other side hates, but also during our small business bill so people can buy equipment and depreciate it in the first year, write it off in the first year. That is of real benefit to small businesses. Extending the SBA loan program, expanding it from the limitations they had before to \$5 million to make sure that the front-end fees do not have to be charged, what did that do in my State? It tripled—tripled—the loan capacity of SBA to small businesses. That was supported on this side. You want to grow small business. That is how you do it, because the way it has worked, we drove into the biggest recession since the Great Depression.

So I respect the comments on the other side, but for us to say to the American taxpayers: Hey, we are going to give another \$700 billion to millionaires and billionaires, is beyond comprehension—beyond comprehension, especially when we tell them: Oh, by the way, it is going to be debt financed. So my son, who is 8 today, and his kids, my grandkids, maybe, in the future, will still be paying that bill because we were told that by Monday we have to make a decision.

I am not doing that. I didn't come here to play those games, to swap off the START treaty or national security for the benefit of millionaires and billionaires.

The other thing I have learned about this place, we can multitask. I came down here this morning, no one was on the Senate floor. I go to committee meetings—there is supposed to be 15, 25 people—2 people show up, maybe 4. I don't know what other people are doing. I am showing up because that is what I was sent here to do by the people of my State, to come here and work. For us to sit around and say we can only do one thing at a time—I talk to families every single day. They are doing multiple things every day, every single day. Why we can't, with all the staff we have, all the abilities we have, focus on more than one thing is ridiculous.

Again, no disrespect to the Senator from Tennessee. I mean him no ill words. I am frustrated. I didn't come here for these kinds of games. We put a 1099 amendment on the Food Safety Act. People are asking: What are we doing? I heard yesterday, why did we spend a week on the food safety bill. The other side wanted to delay it because it was good politics for them to delay and drag it out. So here we are. We have a deadline. We have to get this passed or we are going home. If you don't want to be around here, then go home. But the fact is, the American people sent us here, Alaskans sent me here to not just do one issue but to do multiple issues. That is what our country is about. It is complex. There is no single issue that drives the economy. But giving millionaires and billionaires a \$700 billion tax bonus is ridiculous.

I appreciate the comments. I am sorry my colleague objected to this one item because in order to build this economy, we have to have multiple things in play. This gives more tools to the private sector to grow their neighborhoods and businesses.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BEGICH. I appreciate the opportunity to rant for a little bit and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

SENATE AGENDA

Mr. ALEXANDER. Mr. President, I see the Senator from Alabama here. I don't want to take time from him. Let me see if I can go back to the beginning.

The government runs out of money Friday. Taxes go up at the end of the month. Republicans have written a letter to the majority leader that says: Let's focus on those two things. Let's fund the government and let's keep the tax rates where they are which would be the single best thing we could do in the middle of an economic downturn to help create jobs, and then we are ready to go home.

We think we heard the results of the election. Our friends on the other side keep on insisting on an encore after a concert which attracted a lot of boos. What the American people were saying to us is, fund the government, keep the tax rates where they are, freeze spending, and go home. Bring the new Congress back in January, and let's begin to work on the priorities of the American people which are, No. 1, to make it easier and cheaper to create private sector jobs; No. 2, bring spending closer to revenues; and No. 3, be smart and strategic in dealing with terror. So one, two, three—those should be our objectives.

In the last 2 weeks in this so-called lameduck session, insisting on an encore after a concert that attracted a lot of boos shows a lot of tone deaf politicians.

What we Republicans have asked is extraordinarily reasonable. The President—and I give him great credit for this—had a bipartisan leadership meeting. It was the best one he has had since he has been President. It was constructive. As a result, the Republican and Democratic leaders who met together said: We will designate a smaller group to see if we can work out the tax part of this. Then, in the discussion that came afterwards, we, on our side, made it clear to the President and to the Democratic leader that after you fund the government—remember, the money runs out Friday. We have to do this. Nobody wants the government to shut down. After we deal with taxes—remember, they go up automatically at the first of the year—then we will go to wherever the majority leader of the Senate wants to go. He is the single person who can bring up something,

and if he chooses to go to the DREAM Act, if he chooses to go to Don't Ask, Don't Tell, if he chooses to go to a whole laundry list of other issues, that is entirely his prerogative.

We, under the traditions of the Senate, have the right to make the voices heard of the people we represent and amend and debate things. If the majority leader says: I have listened to the President. He thinks the New START treaty is the most important thing to go to next. He can bring that up if he wishes to. We can debate that. We would want ample time to do that. That is a part of the Senate tradition as well.

There is nothing in the letter that 42 Republicans signed that says anything about national security or the New START treaty. It talks about legislative proposals. We recognize that until some fortuitous event should occur that we might have the majority, it is up to the Democratic leader what comes up.

The Senator from Missouri was talking about the New START treaty. We are not talking about it. In fact, we are meeting on it. We are working with the administration to see if nuclear modernization can be properly done.

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. ALEXANDER. I will not. I will continue my remarks and the Senator may gain the floor later.

We are working on making certain that if the New START treaty is approved, we are not left with a collection of wet matches. We want to make sure the nuclear warheads we have work.

I am one Republican who is open to voting for the New START treaty. I see the advantages of the data and of the inspections that come from it. I know the tradition of disarmament and nuclear arms control. I am deeply concerned about the condition of the facilities that do our nuclear modernization. I am impressed with the progress the President is making in that area. Let's continue to make that progress. If the majority leader wants to move to that, he can. But instead this afternoon we get a long list of new proposals that have come in here that we haven't read, that haven't been through committee. It reminds me of Christmas Eve a year ago. Let's just bring a bunch of bills in here. Nobody has read them. It doesn't matter.

The American people said in November they didn't like that. So they sent a bunch of new people here.

With all respect, we understand what it is like to lose an election. We have lost a lot of them lately. We had very few Republicans elected in 2006. We had very few elected in 2008. We thought the people had something to say to us. We tried to learn from that. We hadn't been doing some things well. We are trying to work our way back. We are trying to re-earn the confidence of the American people going step by step. We think the steps that are appropriate

today are to keep the tax rates where they are in the middle of an economic downturn. It makes no sense to tax job creators at a time when unemployment has been above 9.5 percent for 16 out of the last 17 months and when it has only been that high for 30 out of the last 862 months.

What we are suggesting is the kind of thing that President Obama's former budget director has suggested, Mr. Orszag. He said: Let's extend it for 2 years because raising taxes in the middle of an economic downturn makes no sense because it doesn't create jobs. We would like for them to be permanent. That is a possible area of compromise. Keep the tax rates where they are, deal with funding the government, and then let's move to whatever subject the majority leader would like to move to, including the New START treaty, if he thinks that is the most important area.

I wish to make sure the Republican position is well understood. I understand we have printed in the RECORD our letter to Senator REID of yesterday which says very simply: Dear Mr. Majority Leader, we 42 Republicans believe that we should keep tax rates where they are because they go up at the end of the month, and we should fund the government because it runs out of money Friday. And after those two, we can move to whatever legislative item you would like to. Of course, we have no comment on whether you move to a treaty such as the New START treaty. That is our position. We believe that is a reasonable position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will be brief, but I do appreciate so much the comments of the Senator from Tennessee. He is one of our most valuable Members. He is an honest person. He can summarize complex matters in ways even I can understand. I think he stated honestly and fairly where we are today.

Not only did President Obama's own Office of Management and Budget Director, Peter Orszag, say we ought to keep the rates where they are, not go up on the upper income people at this time of economic stress and job loss, not raise taxes on them—although my colleague is saying that somehow if we pass this legislation it would be a bonus. For 10 years these rates have been at this level. We are talking about raising the rates if we don't take action.

I am going to recall that Senator ALEXANDER serves on the Budget Committee, as does Senator MCCASKILL. We worked hard on some important legislation together that I think will be helpful in containing spending.

We recently had a Budget Committee hearing a few months ago. I think Senators ALEXANDER and MCCASKILL were there. We had three premier, exceedingly well-known economists testify, two called by the majority and one

called by the Republican minority. That is sort of traditional. We had Mr. Zandi from Moody's, Allen Blinder of Princeton, and John Taylor of the Taylor rule. The violation of his rule by Mr. Bernanke was a significant factor in the bubble in housing. But Mr. TAYLOR was a Republican witness. All three said: Don't raise taxes now in this economy.

It is offensive to me a bit to have my colleagues stand up and in a demagogic way say: You are trying to give a tax benefit, a bonus to millionaires. I don't believe that is accurate. These three premier economists, two of them called by the Democratic majority, said: Don't raise taxes.

Do you think these economists were saying this because they want to help millionaires, or do you think they were making that opinion because they believe it would be best for the economy and help more Americans who are out of work get work?

Mr. ALEXANDER. Assuming the Senator from Alabama still has the floor, I agree with him, in answer to the question. The idea is that you don't raise taxes in the middle of an economic downturn because it makes it harder to create jobs. And that raising those taxes now makes no sense. That is simply the argument.

Mr. SESSIONS. And Mr. Orszag was a former Congressional Budget Office head and also was chosen by President Obama when he first came to office for that significant, premier center of the government, the Office of Management and Budget, a student of these issues, far more liberal in ways than I would be in a lot of matters. But he has indicated he did not think we should raise taxes now that he has left the administration.

Mr. ALEXANDER. Yes, that is his point. He wrote that in the Wall Street Journal shortly after he left the administration. I believe, in fairness to Mr. Orszag, he said tax rates ought to be differentiated, and he expects that we would have a big argument about the levels of taxation, if we are doing something in a permanent way. But he did say very clearly that given the length and severity of the economic downturn, that the logical thing to do would be to keep the current rates exactly where they are for at least 2 years because not to do so would clearly cause job loss.

If we are listening to the American people and we have our eyes open, making it easier and cheaper to create private sector jobs should be our main objective, and raising taxes on anybody in an economic downturn runs against that objective.

Mr. SESSIONS. I thank the Senator for sharing those thoughts. I would say it is concerning that this gets boiled down to some sort of an idea that we are just trying to protect the rich.

What we are trying to do is to do something to help this economy to allow the private sector to create jobs and reduce this unemployment, which

is maddeningly remaining at very high, unacceptable levels. Everybody, all the economists and others, tells us the economy will not come back until we have a lower unemployment rate. Raising taxes is not the way to lower unemployment, and we are talking about a significant increase to 39.6 percent on upper income taxpayers.

These are small businesspeople. I met one gentleman who has 10 fast food restaurants and 200 employees. He told me with the health care bill and the stress he is seeing, he expects to be laying off 70 of those employees. We do not need to even be laying off 7. We need to be able to hire more, if we can, so we can have more people working.

Then we have, in addition, a 2.9-percent increase on upper income people, a 2.9-percent additional tax for Medicare. That makes the total tax rate about 42.8 percent or 42.6 percent. Plus, my State of Alabama has a 5-percent income tax. That makes it 47 percent. Some have 10 percent income tax. Then we pay sales taxes. Then we pay property taxes, and other taxes, gasoline taxes and those things. So the idea that we can just continue to ratchet up taxes without consequence to the economy is not accurate.

I do remember and would say one more thing. I talked to a businessman at an airport of an international company. He is the CEO for North America. He told me they had sought to obtain an environmental chemical process in the United States at their plant, and he thought he had won it. The people in Europe, who evaluate the proposals—it would have added 200 jobs in my State of Alabama—they said: Sorry, you have lost because you did not count taxes. And tax rates are higher in the United States than for the competing company. They had plants all over the world. This other plant, in another country that had lower taxes, was going to get it. We lost 200 jobs in the United States as a direct result of higher taxes.

So I just want to repeat, it is an absolute myth that we can just raise taxes on productive enterprises and small businesspeople who do a subchapter S and take their money directly rather than through corporate taxes; that we can raise those taxes and it will not have a job impact. It will have a job impact. That is why all three of the economists who testified before the Budget Committee—two of them Democrats—said: Don't raise taxes now. That is why Mr. Orszag said: Don't raise taxes now.

I see my colleague seeking the floor, and I am pleased to yield.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I yield the floor so the Senator from New York can be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for yielding the floor. I will be brief.

I would first like to ask my colleagues a question of any of my Republican colleagues. They say we have to do this by Monday. It is one of the most important economic issues we have. If today we were to offer you—certainly I would; I cannot speak for every one of my colleagues—we will keep the tax rates the same for everyone whose income is below \$1 million and have them go up to what they were in the Clinton years for people \$1 million or higher, how is that for a compromise? Would you accept it? Well, I would ask any of my colleagues to come on the floor and tell us why they would or would not accept it.

We all know there was greater prosperity in the Clinton years than there was during the Bush years. We all know there was less of a deficit—in fact, a surplus at the end of the Clinton years—and a huge deficit in the Bush years. We also all know just about every economist tells us that tax cuts, taxes for millionaires, do not create jobs. This is not capital gains. This is not an investment tax credit. This is personal income of millionaires and billionaires. It is one of the least effective ways to create jobs.

So, again, I would ask my colleagues, are you willing to accept that compromise? I am.

I would like the RECORD to show no Republican colleague has accepted that compromise.

I have another proposal I would like to offer before I yield back quickly to my colleague from Missouri.

ORRIN HATCH and I passed a bipartisan bill, a tax cut for small businesses and large businesses, called the HIRE Act. It said if you hired somebody during the course of 2010, and they were unemployed for 60 days, they did not pay payroll tax. It has been regarded as a success. Five million jobs have been created since it passed. We cannot attribute all of them to the HIRE Act, but certainly it had to do with a good number of them. I would like to see us move that bill right now. It is a tax cut. It is for business. It creates jobs.

So I ask unanimous consent—and I would like to do that now, not to wait until we give a tax break to millionaires. These could be retired people who do nothing, who have a load of money, not small businesses working hard that would get a tax break.

So I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3623 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would say as to the question raised by my esteemed colleague, I respect his economic judgment, but I respect the economic judgment more of Mr. Zandi of Moody's, Mr. Blinder of Princeton, and Mr. Taylor of the Taylor rule. They all have said without exception: Do not raise taxes in this economy, and those persons who might be making higher incomes most likely are the people who have the most employees and could be affected. They could pay for that by reducing employees. I would also cite him Mr. Peter Orszag, President Obama's own former budget director. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, I yield for my colleague from Missouri who graciously yielded to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, sometimes we selectively like certain testimony and dislike other testimony around here. My friend from Alabama is so proud of Mr. Zandi. I think it is important we put on the record what else Mr. Zandi said.

Mr. Zandi said if we had not passed the stimulus, we would have a depression. Now I hear the other side saying there was nothing worse than the stimulus. Mr. Zandi said if we had not done the stimulus, we would have a depression.

Now, I think Mr. Zandi would also say, if he were here right now, that the least stimulative tax cut we could do is a personal tax rate at the very highest bracket. Do you know what he would say is the most stimulative thing we could do to the economy right now? Unemployment benefits. And what are we fighting over? They are blocking the most stimulating thing we can do for the economy to do the least stimulating thing for the economy for the millionaires and billionaires.

Let's go over that again to make sure we understand this. The same economist my Republican friend is hanging his hat on has said, time and time again, the only thing that stood between this country and a depression was passing the stimulus. Now my colleagues want to use that same economist to justify holding up unemployment benefits, holding up the START Treaty, national security, and holding up any other business of the Senate, judicial nominations, work that needs to be done, to protect the millionaires and billionaires.

We do not need to argue about whether tax cuts are good. I think we have shown that. The proof is in the pudding. All my Republican friends know we have passed tax cut after tax cut. We have passed tax cuts for almost everybody in America. We passed tax cuts through payroll taxes. We passed middle-class tax cuts. We passed tax cuts for small businesses, which they were busy opposing. That is rich. They

opposed the tax cut for small businesses, and now they want to go to the mat for the millionaires.

People need to understand what they are saying. The reason the economists say do not raise taxes in a down economy is because we want money to go into the economy in a recession. We are trying to get money to circulate. We are trying to get investment. We are trying to get people to buy things. So that is why we look at spending on an emergency basis like a stimulus. And we look at tax policy and figure out what is the most stimulative thing we can do with the Tax Code to help this economy. That is why we focused on the middle class and small businesses. And they are stuck with those millionaires.

Now, I am very blessed; my husband's first job out of college was in a steel mill. I worked my way through college as a waitress. My husband has been very successful in business. When I talk to him—and he is an economist, very bright—when I talk to him about the various things we can do to stimulate investment—he has invested in many businesses through the years, created thousands and thousands of jobs—when I ask him is a 3-percent differential in your tax rate going to make a difference in your investment decisions next year, he kind of laughs. It may make a difference in terms of how much money he has to invest in one thing or another, but this is not the engine of our economy—a 3-percent difference in the tax rate for people who make millions of dollars. What does make a difference is a tax cut for the rest of America.

Here is where their argument falls apart even further. How many times have we heard our friends on the other side of the aisle talk about the deficit? Here is the dirty little secret. They do not want to extend taxes temporarily because we have a down economy. They want to do it permanently. They want to go borrow trillions of dollars from China to make sure we keep this tax break there for the millionaires permanently. They are not focused on the next year. They are not focused on the next 2 years. They want to blow the lid off this deficit and not pay for a dime of it by extending them permanently.

So he can say: Well, we don't raise taxes in a down economy. Then they ought to immediately acknowledge that this should only be a 2-year extension. But they will not even acknowledge that at this point. We agree on permanent tax relief for the middle class. Book it, Danno. We agree on that. Let's get that done: permanent tax relief for the middle class. All of us agree on that.

I, frankly, think it is time we start looking at the deficit, take the least stimulative money that we spend, which is this extra money for millionaires, and put that against the deficit. We will never get this deficit solved if anybody thinks we can do it on discretionary spending.

I have worked hard on discretionary spending. Senator SESSIONS and I have sponsored an amendment and put it before the Senate time after time trying to get our colleagues to accept a cap on spending. We have not been able to get it across the finish line. I am confident we will in the coming months, and we will put a cap on spending. That is part of the equation: take a hard look at entitlements, figure out if we really need to be buying prescription drugs for millionaires with tax dollars when we are in debt. I do not know. I do not think that makes a lot of sense. That is part of the entitlement program I think we should take a look at, as to how many rich people we are buying prescription drugs for. Then, finally, we need to look at tax policy. If we can't bring the tax rate for millionaires—not talking about a corporate tax rate, not talking about capital gains, not talking about dividends, I am talking about the permanent tax rate—if we can't bring it back to the 1990s—find me a millionaire that didn't do well in the 1990s. I would like to meet one. Man, it was tall cotton in the 1990s for wealthy people in this country and, by the way, it hasn't been bad for the last 10 years. We haven't seen a lot of job creation after this tax cut. We created 22 million jobs in the Clinton years with the tax rate we want to go to for the millionaires, and they created 1 million after this tax cut was created—22 million versus 1 million. Really? We want to blow the lid off a deficit for that kind of job creation? No, we don't.

I wish to clarify one thing. Senator KYL didn't yield for a question. I didn't ever say there was a threatening on START in the letter written by the Republicans. I said Senator KYL today—and let me read the quote.

If taxes all can't be resolved and voted on and completed, and spending for the government for the next 10 months completed by next Monday, I don't know how there is enough time to complete START.

Keep in mind, we have had 16 hearings on START; close to 1,000 congressional inquiries. It is hard to find somebody who understands the threat who doesn't support START. They are saying: Well, the verification doesn't go far enough. We have no verification now.

So Senator KYL is the one who is saying that if we don't get everything done by Monday, they are done on the START treaty. I think I can speak for my colleagues on this side of the aisle. We are not done. We are not ready to go home. We want to stay here until we make sure we cut taxes for the middle class and continue that tax cut for the middle class. We want to stay here until we get that START treaty done, and we want to stay here and make sure we get an agreement to continue to fund the government. We will stay here, and I think most of us are willing to stay here weekends, all night, Christmas Eve, Christmas Day, and the day after Christmas. I think we will stay here as long as it takes to complete this work.

So the sooner we find out the compromises they are willing to make, the better. Will they hold the middle class hostage, are they holding unemployment benefits hostage, and now will they hold the START treaty hostage for tax cuts for millionaires, the least stimulative tax break we can give? I hope not. For the sake of our economy, the future of this country, our grandchildren, deficit reduction, and national security, I hope not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleague from Missouri for her outstanding words.

Again, let us take three facts. First, over the last decade, middle-class incomes have declined for the first time since World War II. Second, over the last decade, if you made over \$1 million, you did just great. Third, in 2001, when George Bush took over, until today, we have gone from a surplus of \$300 billion to a huge deficit. Yet what are my colleagues suggesting we do? That we hold up the entire government until we get tax breaks for the wealthy, the people who have done well, the people who have plenty of money, the people who, when they get a tax break, don't rush out to the grocery store or to the clothing store because they haven't had enough money to buy things.

That is what they want to do. It is hard to believe. It is hard to believe politics aren't at stake; that there aren't a group of very wealthy people who believe they made all their money all by themselves and they do not want to pay any taxes and that is what is pulling that party so far to the right.

My good friend from Tennessee talked about elections. I want him to come to the floor and tell me that in this election the electorate cried out: Give more tax breaks to the millionaires. Everyone knows they didn't. They said: Help the middle class. If our party had a fault—and I believe we did—we didn't pay enough attention to the middle class. But they are not going to convince us that because they won a few seats in the Senate and picked up the House that the election was a mandate to give more tax breaks to the people who need it the least—the millionaires and billionaires. Oh, no.

In fact, we are listening to the electorate far more than they are. We are saying: Give the middle class tax breaks and deal with the deficit not by preventing unemployment insurance from being extended, not by preventing the HIRE Act from being enacted, and not by preventing tax breaks for manufacturing or green energy. Oh, no. We want to do those things, and we want to deal with the deficit by not giving an extra huge tax cut to the millionaires and billionaires.

Here is another thing I don't want to hear from my colleagues, if they persist with this policy. I don't want to hear them say: The deficit is the reason we can't spend money on middle-

class needs such as education or transportation or unemployment insurance, because there are lots of middle-class people unemployed.

I don't want to ever hear that again. If they are willing to increase the deficit by \$300 billion or \$400 billion to give tax breaks to the wealthy—unpaid for—I don't want to hear about deficit reduction from the other side because they are not honest about it. "Deficit reduction" is code for giving more money to the wealthy and less money to the middle class.

I am somebody who believes in the American dream, and I think people who have made a lot of money in America are great. I think they are terrific, and they do create jobs. A whole lot of wealthy people—many of them—have inherited money, it is true, but many more made it by themselves. God bless them. But it is only a small percentage of the wealthy who are so eager to get a tax break when they know the country has so much trouble. Lots of wealthy people I speak to—Republicans in my State—say: You know what. I know the rates could go back up to what they were in the Clinton years for me, and I can afford it. If the money goes to a good purpose—improving our schools, building our roads or decreasing our deficit—I am all for it. So we are not talking about class warfare. We are talking about an economic problem America faces. Middle-class incomes are declining and they need a tax break. Upper incomes are greatly increasing and they can help reduce the deficit and improve America.

I have heard the economists whom my good friend from Alabama was talking about, and I believe that if you talk to them, they will also tell you that you get far more bang for the buck in other types of policies to get the economy going than in giving an additional huge tax break to the millionaires and the billionaires.

We are not going to stop. The Republicans have hidden for 15 or 20 years behind the idea of "don't increase taxes on anybody." Those are code words. It means, don't increase taxes on millionaires. That is what they care about. Because right now I have offered them a deal. Give everybody else the tax break except the millionaires. Are they going to take it? Of course not, because the millionaires come first in the economic books of my friends—most of my friends—on the other side of the aisle.

I remember when my Republican friends discovered the words "death tax." It had its effect in a way I didn't like, but it had its effect. Well, now we have the millionaire tax break. Millionaire tax. You know what. It is going to have the same effect, and we are going to finally be able to show America what the other party has been all about: tax breaks for the wealthy, above all—above the deficit, above helping the middle class, above creating jobs. The days of hiding behind the screen are over because the tax debate we are having now pulls back that

screen and shows exactly where my Republican friends are.

So again I repeat my offer. I see my good friend from Tennessee is on the floor. I would offer him, if he wants to improve this by Monday—here are more colleagues—I will offer this deal. We will take the tax break for everyone below \$1 million. Will you accept it—that is a great compromise—or are you going to say: Oh, no, we are holding out for the millionaires. Take it or leave it.

I can't speak for my whole party, but I can speak for myself and my colleague from Missouri and many others on our side. We can solve this problem tonight. Tax breaks for everybody else but not for the millionaires. Take it or leave it. You said you wanted to negotiate, here is an offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Presiding Officer, and I thank the Senator from New York for mentioning me.

There is a little problem with our negotiating. We weren't invited to the meeting. The Senator from New York and I were in the Capitol doing our work, tending to constituencies, while the President and the Democratic leaders and the Republican leaders were at the White House. They had a very constructive meeting, from what I understand, and they designated certain Democrats and certain Republicans to see if they could come up with a compromise.

One of those who might have been at the meeting may have just walked onto the Senate floor and maybe he can inform us, but the negotiations are continuing where they should continue. I was delighted to see the President invite the leaders down to the White House for such a good meeting. I know they have had some joint meetings before, but we are never going to get anywhere in the Senate where we have a relatively equal number of Members—as we now do or are now about to—unless we swap ideas. So I assume they are down there swapping ideas.

I assume they can read the calendar, and I assume they can remember that last year we were standing here in the worst snowstorm in decades in the middle of the night—1 a.m.—voting on bills nobody had read. I don't think we want to do that kind of thing again. So we Republicans have said, very simply, let's deal with the tax issue because taxes go up automatically at the end of the month, let's fund the government because it runs out of money on Friday, and then, if we have any time left, let's do whatever the Democratic leader would like to do.

If he wants to bring up the new START treaty, that would be fine. We would have time to debate it. If he wants to bring up a whole string of other things, that is up to him.

What would the terms of the tax agreement be? I guess it will be whatever that group who discusses, our ne-

gotiators, come back with. If the President were to say, for example, he agrees with his former Budget Director, that raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs—and in my words, therefore, makes no sense—he would probably get a welcome response on our side.

So while the Senator from New York is one of the most skillful debaters and negotiators anywhere on the planet, and he would be very good in any sort of discussion on taxes—he is a member of the Finance Committee, and he is chairman of the Rules Committee—he wasn't in the meeting and neither was I and those in the meeting are having the discussion and they will make a recommendation. My hope is they make a recommendation that permits tax rates to stay right where they are because raising taxes on anybody in the middle of a recession is a bad idea because it makes it harder to create jobs.

Mr. SCHUMER. Mr. President, through the Chair, may I ask my good friend from Tennessee a question?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. ALEXANDER. I will be happy to yield for a question.

Mr. SCHUMER. Mr. President, I understand we are not in the negotiating room right now, but he and I are both in the leadership of our respective parties. We are good friends. I have tremendous respect and admiration for my friend from Tennessee. I do. I think he is a fine man, and we have passed some good legislation together. So I understand the negotiators are doing their negotiating, but we might be able to help.

Again, I repeat my offer: Will my colleague—just he and I can agree. That might break the ice. We will give tax breaks to everyone—Bush tax cuts—below \$1 million. We will continue their capital gains rates at the same rate, we will continue their dividend rates at the same rate but not the people above \$1 million because, as I mentioned, their incomes are doing fine. Most economists will tell you it is a highly inefficient way to get jobs or money flowing into the economy. Unemployment insurance, which my colleagues insist be paid for, is much better.

Let just he and I agree that that is a good idea, a good starting point. Will he?

Mr. ALEXANDER. Mr. President, I am delighted to hear the eloquence of the Senator from New York. As I was listening to him I was reminded that most of the people whose taxes he is trying to raise live in New York. They are not in Tennessee. We are a relatively low-income State. So I admire him for his courage—it is almost a tax earmark to be so specific that we are going to raise taxes on just a small number of people, most of whom live on Wall Street and in New York. That makes a pretty good line.

But what I agree with is what I repeatedly said, what the Republican leader said, and the former budget director said. Let me just say it again because it makes very good sense, and I think most Americans would instinctively agree with this. We are in the middle of a very severe economic recession. We have had more than 9.5 percent unemployment for 16 out of the last 17 months. We have only had 30 months in modern history where we have had unemployment that high. Almost half of those months have been lately.

Making it easier and cheaper to create private sector jobs should be our main objective. Almost every economist—the President's former budget director, almost everyone who has looked at this—says raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs.

We may want to have a big argument when the economy recovers about whether people in New York should pay more and people of more modest means in Tennessee should pay less. We could have that argument at some point. But what we are saying is at the end of the year, taxes are going up, almost everyone except some on that side seem to agree that it makes it harder to create jobs if we raise taxes on anybody. We are saying let's not raise taxes on anybody. We want that permanently. But most of us are saying, if we would do what Mr. Orszag says, that would have wide support here.

That is our position. We respect the position of the Senator from New York. Maybe someday we will have a debate about what the permanent tax rates ought to be. But right now the goal is to make it easier and cheaper to create private sector jobs. The single best thing we can do is keep tax rates where they are before they automatically go up at the end of the month.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New York and my colleague from Missouri who was here a moment ago and all those who came to the floor to talk. I assume my colleagues are aware of the fact that all across America there have been cable TV subscribers who have been calling in and asking for a refund because when they turned on C-SPAN to see the Senate they saw an empty Chamber and nothing going on, and at least now we give them a little activity on the Senate floor. But, unfortunately, that activity is not going to lead to anything meaningful. The Senator from New York even offers a legislative idea that doesn't seem to be greeted by any applause on the other side or any counteroffer of any conciliatory magnitude.

I was at the meeting the Senator talked about yesterday, and it was a historic meeting with the President and Senator KYL, Senator MCCONNELL, Senator REID, myself, the President,

the leaders of the House, as well and some members of the President's Cabinet—Secretary Geithner, for example. Vice President BIDEN was there.

I would say the reports generally have been accurate, that the President said: I want to change the environment, I want to change the dialog, I want there to be more meetings like this, open to suggestions from the other side about how we can work together and solve the problems facing our Nation.

Then the President did something which those of us who have been fortunate to visit the White House once in a while really considered to be rare. He stood up and said: I would like to ask the elected Members and the Vice President to come with me to my private dining room off the Oval Office.

We went in and had another cup of coffee and in a much more isolated and private setting had an even more candid conversation. I really felt good at the end of it. I felt we were starting at least to develop the kind of dialog the American people asked for in the November 2 election.

The President asked us, Senator REID and some others: Pick someone and let's sit down and talk about this tax situation. Let's try to find some common ground if we can, and I understand the group met this morning and again this afternoon. It is all, from my point of view, a very positive development and good for our Nation.

But what troubles me, I say to the Senator from Tennessee, is this letter. I see the letter is dated November 29, so it started circulating even before this peacemaking meeting we had. It seems that this letter which was sent to Senator REID is basically an ultimatum. The ultimatum is, we are not going to do anything on the floor of the Senate until we act on the tax measure and funding our government—nothing. It says basically that your side, the Republican side, the 42 Senators who signed it, are going to object to moving to any other item of business—anything.

Now we are back into the cable TV problem, where people are going to see this empty Chamber and wonder why, with all the things we could be doing in the Senate, why we can do nothing—nothing whatsoever, according to this letter—until we reach an agreement on the tax issue.

I think we all concede the fact that we need to do it. We all concede the fact we need to fund the government. But what is the point? Really, if we are going to draw a paycheck for coming into the Senate, shouldn't we at least do the people's business? Do we have to sit here with empty desks and an empty Chamber and quorum calls day after day because of this threat that says: Don't try to bring up another issue?

It strikes me as odd. I know the Senator from Tennessee is an industrious man. He served as Secretary of Education. He was a Governor. He plays

the piano. The man sings songs. He has more talents than most people I ever met. To think you would want us to just do nothing—nothing on the floor of the Senate.

The Senator from New York has offered an idea—I think a reasonable idea. Let's agree. Let's agree that people making \$1 million or less will have the same tax cuts that they had before, no questions asked, to invigorate the economy. But let's say to Paris Hilton and Bill Gates and Warren Buffett, no; you are not going to get a \$100,000 tax cut each year. If you make \$1 million, that is the average. We don't think that really invigorates the economy.

I would add as a postscript to what the Senator from New York raised, wouldn't it be reasonable for us also to say if we are going to give tax cuts to the wealthiest people in America, and add to our deficit in the process, shouldn't we help those who are unemployed in Tennessee—I see the two Senators from Tennessee—or Wyoming—I see the Senator from Wyoming is here—or Minnesota or Illinois? Do you think it is right for us to cut off unemployment benefits for people in the midst of this holiday season?

There are 127,000 people in the State of Illinois who will lose their unemployment benefits this month. Merry Christmas.

I know what those people receive. It is about \$300 a week. I don't know any of us who could survive on that. They try, they try to keep going. Yet we cut them off. There have been efforts on the Senate floor, unanimous consent requests to fund the unemployment benefits for another year, objected to by the Republican side of the aisle.

I find it hard to follow the logic on the Republican side that we cannot afford to help those who are out of work through no fault of their own but we can afford to give a tax break, a huge tax break to Warren Buffett—who is not asking for it, incidentally—Bill Gates, Paris Hilton, or any of these others. I don't follow the logic.

I think, although the Senator is fervent in his belief that tax cuts are the key to prosperity—some of us may question how much they are the key—it really is fundamentally unfair that those who are unemployed would face this kind of problem.

I am going to make a unanimous consent request on another issue that I think will help create jobs. It will save jobs in Tennessee and Wyoming and Illinois and Minnesota, and it relates to something that is not new because it is already on the calendar. For those who want to follow this and say where is this coming from, turn to page 73, the Calendar of Business of the Senate, and go to order No. 578, S. 3816, a bill I introduced with others to amend the Internal Revenue Code of 1986, create American jobs, and prevent offshoring of such jobs overseas.

It was actually read the second time and placed on the calendar September 22 of this year. It relates to something

which has affected the Senator's State and mine. When a company in Tennessee decides to send jobs overseas, to close down a local production facility, and to ship those jobs and that production facility to another country—China, Mexico, wherever it happens to be—we reward them. We give them tax benefits and tax deductions to help facilitate that decision.

Many of us believe that is upside-down. If a company thinks it is in its best interest, profit motive and best interest to locate overseas, so be it. Let them make that decision. But we should not encourage it. We should not subsidize it. We should not reward it. The reward should actually go to the many businesses that stay in Minnesota and Illinois and Tennessee and Wyoming, hiring American workers, paying them a decent wage and giving them basic benefits and retirement. That is where the reward ought to be in the Tax Code. It should not be in the area where we are creating tax incentives for companies to move jobs overseas.

If the economy, prosperity, and jobs are really the No. 1 goal here—I think they are, and I think they should be—then let's change this provision in the Tax Code. That is what this does. It tries to slow down the exodus of jobs from the United States. It will save jobs in Tennessee and save jobs in other places as well. This provision called "Creating American Jobs and Ending Offshoring Act" that I introduced with Senators HARRY REID, BYRON DORGAN, and Senator SCHUMER is a simple bill with three common-sense provisions.

Let me describe it before I make the unanimous consent request. I will be brief.

First, we make two changes that discourage U.S. companies from giving out pink slips to Americans while they open their doors abroad. We will say to firms: If you want to shut down operations here and move them somewhere else, we are not going to let you take tax deductions on the shutdown expenses.

We also say to firms: If you want to sell your products in this country, we are not going to let you start making those goods abroad, ship them back to this country, and avoid paying taxes on your profits.

Second, we make it more attractive for companies to bring the production of goods back home. We say to firms: If you bring jobs home from another country, you don't have to pay your share of payroll taxes on those U.S. workers for 3 years, repatriating jobs from overseas back into the United States. It is not radical, it is basic.

There are a lot of folks who defend this loophole I am trying to close: the Chamber of Commerce, National Association of Manufacturers. They oppose this. Republican leaders have spoken out in the past against it, but I think these two brilliant leaders from Tennessee on the floor of the Senate are

not going to join that group. They are going to stand by their workers and companies from Tennessee. I am sure of that when I make this unanimous consent request.

So I hope they will join me in this effort. With this measure we can literally bring to the floor of the Senate a measure which will help save American jobs and create American jobs. We can debate it and get it over for a final vote in a matter of hours, and we can still have negotiations going on about taxes. We can walk and chew gum in the Senate. We can do more than one thing at a time. We should not be victims of an ultimatum that says: You will either do the tax cuts and funding the government or else.

So I am going to make this unanimous consent request that the Finance Committee be discharged from further consideration of Calendar No. 578, S. 3816, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

THE PRESIDING OFFICER. Is there objection? The Senator from Tennessee.

Mr. CORKER. Mr. President, I reserve the right to object and say, as is the Senator from New York, the Senator from Illinois is most eloquent, and I always enjoy listening to his comments. I agree with him that many attributes regarding the senior Senator from Tennessee are all true—and many more, I might add. He is a multitasking person.

But I say the President's commission on deficit reduction actually is addressing this issue.

And they have actually made many bold steps in trying to address the many deficit issues, the tax expenditure issues which cause our country, in many cases, not to be as competitive as we could be around the world. So knowing that it is imminent, that this group is meeting on Friday, I object.

I would like to say for the C-SPAN watchers that there is not really much happening on the floor right now that matters. I would agree with the Senator from Tennessee, the senior Senator, that there is a great negotiation that is taking place, and I applaud the President for bringing members of both parties together. I think there is a lot of activity.

I just came in from the hallway. I know one of our negotiators was rushing to a meeting. I know that in a meeting about an hour ago, he had to step out because the President had called regarding this very issue we are talking about regarding taxes, regarding keeping the government operating. So I think there is work taking place in the Senate. I know there is work looking at nuclear modernization, and there is all kinds of activity throughout the course of this building and other buildings adjacent. It is just that here on the floor, we have somewhat of a charade taking place while that is occurring.

So I look forward to fruitful activity. I think most Americans realize that on Friday, our government is going to shut down, and I think what Republican Senators have said is that we think it is important that we deal with actually funding our government so it continues to operate past Friday. We think it is important to deal with the tax issues since forms are going out across our country—some have already gone out, as a matter of fact—and Americans want to know what they are going to be paying as it relates to tax rates.

And actually, what the letter said is any legislative item. I think the Senator from Illinois, whom I greatly respect, knows full well that things such as the START treaty are not legislative items, they are executive items.

That was excluded in our letter on purpose so that in the event the START treaty wanted to be brought to the floor by the leader, it could be brought to the floor. I know the President has said this is something of great national interest.

So all we are trying to do is prioritize. We know any debate that is taking place on the floor right now over taxes has no real meaning. The real debate will take place after these negotiators finish their discussions. I think, again, they are being done in a very fruitful and earnest manner, and after that the debate that takes place will be real. We will be talking about something we have given leaders of each party the ability to negotiate. So that is when the real debate will take place. I hope the C-SPAN watchers who were alluded to will actually tune in at that time. All of this discussion now is really not nearly as relevant as what is happening in other places. I think there is a lot of work taking place.

I would just add that I think all of us on our side have been watching as the majority party has met for hours and hours and hours each day trying to figure out what they feel should come to the floor. And we understand that. But I think what we have said is that instead of debating things that could be well debated next year, that do not have the urgency of causing government to continue to function, when you have two wars underway and you have all kinds of issues that need to be dealt with, we have said: Please, we ask you to prioritize. Let's deal with those most important issues first. If you want to bring up the START treaty, that is not a legislative item, that is an executive item, bring it up. But let's deal with those issues that are most important to the American people first. If there is time to deal with all of these other issues, certainly after that is done, we would be more than glad to stay as long as the other side would like to debate all of those issues.

I thank you for the time to speak. I thank the Senator from Illinois for all of the kind comments he has made about the senior Senator and me. I

thank him. I thank him for the leadership he shows on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I wanted to give my friend from Tennessee time to make his objection in its entirety. I thank him for that. I am glad he clarified the fact that we could bring the START treaty to the floor. I sincerely hope we do. I think it would be a serious mistake for us to leave Washington for the holiday season without voting on that treaty on the floor.

This is a treaty which the President has worked on and which is supported by previous administrations, Democratic and Republican. It is an effort to reach an agreement with the Russians. It should be based on a premise that most Republicans applaud because it goes back to an earlier statement by President Reagan that we should "trust but verify." The fact is, for over 1 calendar year, we have not had any inspectors on the ground in Russia to verify the safety and treaty compliance of their nuclear weaponry.

Senator LUGAR, on that side of the aisle, a man whom I greatly respect, supports this treaty, and if there is one person in the Senate who is probably more expert than any other when it comes to this issue of nuclear weapons, nuclear weapon control and modernization, it is Senator LUGAR of Indiana. He supports this treaty and wants it to come forward. I hope Senators feel he is right. I think he is.

I hope we can do this. The notion that we do not have time—I said at an appearance a few days ago that we had time to create the Department of Homeland Security in a lameduck session because two extraordinary Senators—SUSAN COLLINS of Maine, a Republican, and JOSEPH LIEBERMAN, then a Democrat of Connecticut—worked overtime to put together a bipartisan bill which we considered in a lameduck session and literally reorganized the intelligence structure of America. It was an amazing undertaking and one I believe has served us well. We did it in a lameduck session, and no one stood up and said: I object; do not go forward. I object; I need 2 weeks. People really worked together to get it done.

We can do it in that same spirit when it comes to the START treaty. Let's get that done. Let's get the tax provision done. Let's get funding the government done. And let's get the START treaty done before we go home. We can do this. We are capable of doing this. But an empty Chamber and empty desks and no Senators on the floor will not achieve that.

I am glad the Senator clarified that he is not stepping in the way of considering the START treaty with this ultimatum that was sent out from 42 Republican Senators. I wish we could do a few other things, too, such as extend unemployment benefits, but apparently there is an objection to that.

So I hope we can work forward from this point in a more positive way. I

truly value my friendship and the fact that I can serve with these two fine Senators from Tennessee. Although I spent a lot of time extolling the virtue of the senior Senator from Tennessee, I guarantee you, next time, I will extoll the virtues of the junior Senator so that he has a positive feeling about our relationship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, if I can just briefly indulge, I wish to thank the Senator, and actually, based on his closing comments, I think he may have actually signed the letter himself had it been presented, because I agree that we should fund the government, we should deal with the tax issue, and that if we did that, there would be ample time to deal with the START treaty. It is not to say we do not want to deal with all of those other issues; it is to say: Let's prioritize based on those things that are of most national significance.

The issue he recalled regarding homeland security was of national significance at the time. I think most Americans would agree that making sure the government functions beyond this Friday is of national significance.

So I thank him for his comments. I thank him for his good humor and tone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I also rise to talk about the importance of creating jobs and how the Republican plan is the exact opposite. We have on our desks this letter that was put forward that says there should be tax cuts for all Americans. Well, you know what, that is the Democratic plan. That is the plan we have been putting forward that would create tax cuts on the first \$250,000 that every single American makes. But if you scanned the letter the Republicans signed, you find in the fine print, down there in the third paragraph that, no, it is not tax cuts for all Americans that they want; they want a version that creates bonuses, paid by the taxpayer, for billionaires. Bonuses for billionaires. That is the only version they want to see debated, the only version they say they will vote for, and it is the sole goal they put as an obstacle to every other important piece of legislation to get America back to work.

We have been trying so hard this year to get job-creation bills on the floor of the Senate, and we have endured a recordbreaking number of filibusters.

When I came here as an intern back in 1976, bills were passed by majority vote. Upon rare occasion, someone would say an issue is so important as to obstruct the Senate. But not our Republican majority. Not this year in 2010. Not last year in 2009. No. My colleagues have said: It is our goal to paralyze the Senate. It is our goal not

only to prevent legislation from occurring but to damage the executive branch by obstructing nominations in unprecedented numbers and to damage the judicial branch by obstructing nominations.

This attack on the American system of government has gone way too far, and now my friends across the aisle say: Unless we get bonuses for billionaires, paid for by the taxpayers of the United States of America, we will block every effort to create jobs in this country. At some point, it needs to be said on the floor of the Senate—and so I am saying it now—that is simply wrong. It is misguided to put the top priorities to be billionaire bonuses. I think the American public weighed in on this in the discussion over Wall Street. It is wrong to fund those bonuses out of the pockets of working Americans who are paying their taxes, and it is certainly wrong to bring this body to a standstill once again in order to get those bonuses for billionaires.

I would like to ask my friends across the aisle to reconsider the substance of their vision for America, a vision in which ordinary workers fund extravagant bonuses for the richest Americans—how big a bonus? An average of \$100,000. Now, I can tell you, in my working-class neighborhood, there are very few people who earn \$100,000 a year. There are folks who might not earn \$100,000 in the course of multiple years because they are working for minimum wage. They may be earning, if they can get a full-time minimum wage job, \$16,000. If they are working two jobs and their spouse is working, maybe they can bring home \$30,000 or \$40,000.

So I would suggest that stopping the business of the Senate to create a \$100,000-per-taxpayer bonus—and I say "bonus" because it is on top of the tax cut they would get under the Democratic plan—is simply completely out of touch with the challenges faced by ordinary working Americans who are trying to make ends meet, who would like to see us spend the funds in our Treasury to create jobs because they know the best program for any single person is the opportunity to have a living-wage job. It not only creates the finances that shore up the foundations of the family, it creates a sense of pride, it creates a sense of work ethic, it provides a strong example to our children, it builds a family. But a \$100,000 bonus for the richest Americans does not build those financial foundations for working Americans, and funding it out of the pockets of the working Americans is absolutely one of the most diabolical plots I could have ever imagined—in fact, I couldn't probably have imagined. If it would have been in a novel that my colleagues are bringing the work of the Senate to a stop in order to do \$100,000 bonuses for the richest Americans, funded by the rest of the taxpayers, I would have said: No way. That plot is beyond anything that could possibly happen on the Senate

floor. But today we have it right here in writing that it has to be the billion-dollar bonus plan or none at all.

But at any point, the Senate can, by unanimous consent, come back to its senses and pursue that which builds our economy, builds opportunity for working Americans. There have been a host of bipartisan bills that have said: There is a strategy that is estimated to create more jobs than any other per dollar invested, and that is low-cost loans for energy-saving renovations. This core idea recognizes that very few of us can go out and put double-paned vinyl windows in our house or full insulation in our house because we do not have the money in our bank account for the upfront costs. But if we can get a low-cost loan, then we can, in fact, pay for those vinyl windows out of the savings on our electric bill.

This basic concept is a concept now embodied in the HOME Star bill, a bipartisan bill. It is the basic concept embodied in the Building Star bill, which aims more at commercial buildings. It is the same basic concept embodied in the Rural Energy Savings Program, which is not only a bipartisan bill but is fiercely advocated for by our rural electrical co-ops that understand this would be a tremendous value to Americans in rural America. Knowing we can bring the Senate back to do good work through unanimous consent, I am going to ask for such unanimous consent.

I will start with a bill, which is the rural energy savings plan bill, supported by rural co-ops across America so rural Americans such as those in rural Oregon, such as those in rural Illinois, such as those in rural Tennessee, such as those throughout rural America everywhere can pursue these low-cost, easy-to-arrange loans through their local electric co-op. One of the reasons people get excited about this concept is, it is not just about the fact that your house now functions a lot better with these energy-saving renovations. It is not just about the fact that now the monthly cost of your electric bill or your gas bill goes down, often more than your loan payments would be, but it is the fact that through this kind of conservation, we actually create jobs—installation jobs and jobs producing the products for those energy-saving installations. Because virtually every aspect, from caulk to pink fiberglass to double-paned windows, is made here in America, manufactured in America. So people know they are not only creating jobs locally, but they are creating jobs in manufacturing America. If we don't build things in America, we will not have a middle class in America. People understand this at their core.

There is something else they like about this. Every time we address our energy needs domestically, we are decreasing our demand for foreign oil. Why does that make Americans smile? Because we would rather have red, white, and blue American energy and

American energy savings than import oil from overseas. When we buy that oil from overseas, the money goes out of the economy. It doesn't go into the local grocery store. It doesn't go into the local retailer on Main Street. It doesn't build the financial foundations of American families. It goes to places such as Iraq and Saudi Arabia and Nigeria and Venezuela. What is happening with the money that goes overseas to places such as that? Some of it ends up in the hands of terrorists who oppose our policies around the world.

It has been said by national security experts that our current wars in Iraq and Afghanistan are the first American wars where we are funding both sides. What they are referring to is our purchase of foreign oil. So when we engage in energy savings here, we are doing what is right for our economy and for our families and for our national security.

By the way, these types of jobs cannot be shipped overseas, installation cannot be shipped overseas. Not only are the materials made in America, the installation can't be shipped overseas. It is the perfect strategy to help address the challenges in our current economy. That is why I have some hope my colleagues across the aisle will join in this unanimous consent to get this bill done so we can help folks in rural America get back to work, improve their homes, shore up their financial foundations and, in the process, improve our national security.

I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3102; that the Senate proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

THE PRESIDING OFFICER (Mr. BEGICH). Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, there must be something about the interval between the Thanksgiving holiday and Christmas and the effect it has on our Democratic friends. Again, this year, as they did last year, they begin to disappear for hours at a time into a room together, without any Republicans or any other kind of person there to talk and they get excited about issues and they come together. They persuade each other that they are right, and then they rush to the Senate floor after several hours and offer a bill of the most urgent kind. In this case, it is about double-paned vinyl windows. Here we are. The Senator from Oregon, a good colleague, a distinguished friend—this may be a good bill, but he is asking by his request that we not debate, that we not amend, and that we just pass it.

He is saying, at the same time, that this must be the most urgent thing before us. When he is finished with his other matters, I wish to say a little bit

more. But let me reiterate what I have said over and over again. We have suggested to the majority leader that we focus on dealing with funding the government first, since we run out of money Friday, and deal with the tax issue next since taxes automatically go up the first of the year. After we have done those two things, we move to whatever the majority leader brings up. He may wish to bring up the new START treaty. He could bring up the new START treaty today. We said nothing about that in our letter. So all this talk I just heard has nothing to do with our letter, with what has been said on the floor.

I will have more to say about that in a moment. But we should fund the government, keep tax rates where they are. Then I think what the American people said to us was: Go home, bring this new Congress back, and let's begin to deal with the debt. We have a report of the debt commission coming out. We should be making it easier and cheaper to create private sector jobs. The best way to do that is not to raise taxes on anybody in the middle of an economic downturn. That makes it harder to create jobs and makes no sense. We want to do that first. Therefore, I object.

THE PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, I appreciate that my good friend from Tennessee rose to defend his caucus's letter. I certainly enjoy working with him. Here I am talking about energy efficiency. We have had the pleasure of working together on a bill that is about deployment of electric cars that can save enormous amounts of fuel and have many beneficial effects that I have been speaking to in regard to the importation of foreign oil, cutting off that flow of oil from abroad, and the American money that goes out to buy it. I certainly treasure that relationship, that working relationship. But we couldn't have a more different perspective. We couldn't have a broader disagreement on this issue. I have noted that the Democrats have laid out a plan that provides tax cuts for all Americans. But my good friend from Tennessee just noted he wants the version that has no increase on anyone.

What he didn't explain—but I will—is that the difference between the two is additional bonus tax cuts for the richest Americans. Those are the tax cuts that are \$100,000 per person. Those are the tax cuts that will create a \$700 billion addition to the national debt over the next 10 years. When I have families who are struggling to get by on the best jobs they can find—and those jobs are paying near minimum wage, and they are lucky to make \$16,000 to \$20,000 a year, if they can find a minimum wage job—is it justifiable to give bonuses paid by other taxpayers or by additional debt on our children to the richest Americans to the tune of \$100,000 each? I would say, no, that is a bad decision. In that regard, we are coming from different places.

I can tell my colleagues, if there is something in the air in this period between Thanksgiving and Christmas, it is that it further increases or should increase our connection to the fact that American families are suffering. They need jobs, and it is our duty to create them, not our role to charge working Americans so \$100,000 bonuses can be handed out to the richest Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could reflect for a few minutes on what we have heard. There is a lot of passion in the Senate. This is actually a place where there is supposed to be. We come here to debate the most important issues that are before us. Let me talk first about what Republicans have suggested. I have said this a few times during the debate, but I wish to say it again. We have suggested setting priorities in the Senate. We have a right to be heard. There are 42 of us now. There will be 47 after January. It is not our voices. It is the voices of the American people. They expect to be heard. Just a few weeks ago they said to us and to the entire country:

We have had a government of too much taxes, too much debt, too much spending, and too many Washington takeovers. We would like Members of Congress to focus on making it easier and cheaper to create private sector jobs, No. 1; bring spending under control so we don't have such a debt, No. 2; and be smart about terror, No. 3. That is what we would like to do.

This lameduck session is a period after an election where people usually listen to the voters. So our recommended view is we should keep the tax rates where they are, fund the government, consider the debt commission's report, which we hope to receive this week, and go home and bring the new Congress back, which was just elected, to begin to deal with jobs, debt, and terror.

If the President feels it is sufficiently important for the new START treaty to be dealt with before Christmas, his majority leader can bring it up any day he wants to. He has a right to do that tonight, this afternoon. He can put it on the floor, and we can have several days of debate. But remember, the government runs out of money Friday. Tax forms are being filled out because taxes automatically go up in January for almost everybody, and we are saying: Why have we waited so late to deal with this? Let's do it.

There is nothing wrong with priority in government. In fact, I respectfully suggest that for the last couple years the lack of priorities has been a big part of the problem. We have had a lot of very smart people in the government, but managers, leaders usually say: Here is the most important thing. Let's work on it until we fix it.

We do not have to go far back in history to have General Eisenhower, run-

ning for President in 1952, saying: I shall go to Korea. He did not announce 23 different things he needed to do. He said: I shall go to Korea. In October he said that, and in November he was elected. By the beginning of December he was in Korea, and he said: I shall spend my time on this until I get it done, and the people of the world and of the United States believed in him because they knew that a President of the United States who throws himself into almost any subject, with as much as he has for as long as it takes, can get a pretty good result.

We should be doing that with jobs. There is no magic formula on that. But virtually every economist who has testified—either those called by the Democrats or the Republicans—have said to us this simple fact that I bet most Americans would agree with: Raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs. If our No. 1 priority is to make it easier and cheaper to create private sector jobs, raising taxes makes no sense as a policy. That is our position.

We would like for those tax rates to be permanent. The President's former Budget Director, Mr. Orszag, after he left the President's employ just a few months ago, said: Well, perhaps a 2-year extension of the current tax rates would be a good idea because it does make it harder to create jobs. He is aware, as all of us are aware, that for 16 out of the last 17 months unemployment has been at more than 9.5 percent.

So it is all right to consider a bill to deal with double-paned windows, but when tax rates are going up on everybody in America, including the job creators, if we want to take a step toward making it easier and cheaper to create private sector jobs, not more government jobs, we need to keep the tax rates right where they are right now and send that signal to the American people. All we are saying to the Democratic majority is, let's do that first, let's fund the government, and then let's go to the other issues.

The President, to his great credit, had a meeting yesterday which had a decidedly different tone to it. I had been mystified by the relationship of the President and the Republican leader over the last 2 years. I came up here 40 years ago in the Senate as a young aide. I remember Senator Howard Baker's story of when he first came here. I was his legislative assistant. He said he was sitting in there in the Republican leader's office, the phone rang, and it was President Johnson calling Senator Dirksen. He heard Senator Dirksen say: No, Mr. President, I can't come down and have a drink with you tonight. I did that last night and Louella is very mad at me.

Then, about 30 minutes later, there was a big rustle outside and the noise came up and two beagles came through the door with the President behind them and the President said to the Re-

publican leader: Everett, if you won't come have a drink with me, I will have one with you.

David Gergen told me that President Johnson called the Republican leader at 5 o'clock almost every afternoon. That was the kind of relationship they had.

Yet for the first 2 years, the current President and the Republican leader had only one one-on-one meeting because the whole attitude around here was: We won the election. We will write the bill.

So you jammed the health care law through last Christmas, which nobody had a chance to read, feeling pretty good about it. So there have been immediate, multiple efforts to repeal it from the day it passed.

Compare that with the relationship 40 years ago when the civil rights bill passed. It was written in the Republican leader's office, even though the Democratic majority was large and the President was a Democrat, because they not only wanted to pass it, they wanted it to be supported by the country. When it was passed, even though Senator Russell, for whom one of the buildings here is named, had opposed it for years—the Civil Rights Act of 1968—he went back to Georgia and said: It is the law of the land. We should enforce it, because he respected the process by which it had been done.

So this attitude that we won the election, we will write the bill, we will jam it down your throat whether you like it or not—that was the last 2 years, but that is over. When 47 Republicans come in, it is going to be a balanced Senate. There is going to be a change toward more balance, and that is an important part of what the American people voted for just a few weeks ago.

The President, to his credit, recognizes that. He had a meeting yesterday at the White House which had a decidedly different tone to it. Everybody who was a part of it says that, both Democrats and Republicans. One thing they talked about was taxes. We have to deal with it. So they formed a little group, and they are busy trying to work that out. The other thing is fund the government. We run out of money Friday. We are busy trying to work that out.

On the New START treaty, senators have very strong opinions: Senator KYL, Senator CORKER, Senator LUGAR. We respect the President on matters of national security, and if he says something is important, it is important to us, even if he is a Democratic President and we are Republicans. So the majority leader may want to bring that up. But he is the majority leader. It is up to him to bring it up. We cannot do that until we have the majority, which we hope we do someday. So he can bring it up.

So we have said: Let's set a couple of priorities around here: deal with taxes, fund the government, and then if there is time left, Mr. Majority Leader, bring

up what you want. If you want to bring up a bill about double-paned windows, that is fine. If you want to bring up don't ask, don't tell, that will take a week of debate. If you want to bring up a bill about this, that or the other, that is fine. You set the priorities.

There is one other thing I heard during this discussion: Why aren't we working?

I will tell you why we are not working. It is because of the schedule of the Democratic leader. Forty times he has brought up legislation, and then he said there will be no amendment and no debate. That is like having the Grand Ole Opry open and saying: There will be no singing. That is what we do. We offer amendments. We debate on behalf of the American people. This is the only body in the world where you have unlimited debate and unlimited amendment.

When you bring up any bill, whether it is the double-paned windows bill that was so urgently presented a moment ago, whether it is the New START treaty, which has to do with our nuclear modernization and our national security, we bring it up, hopefully, after it has had careful consideration by the committees, where the military experts and the foreign policy experts have weighed in, and then we have a debate and everyone gets to offer their amendments and everyone gets to say what they think about those amendments. If we have to stay Monday night, we should stay Monday night—and Tuesday night and Wednesday night and we can even stay Friday. We have not voted on one Friday this year. That is not because of the Republican schedule. We are not in charge of the schedule. So, why is there nobody here to debate? Because there is nothing to debate. The Democratic leader brings up a bill and then he says there will be no amendment and no debate.

My hope is that as a result of this more evenly balanced Senate and the good will of the Democratic leader, whom I greatly respect, and the Republican leader—he and Senator REID are very much veterans of the Senate. They respect this institution greatly. I would like to see us get back to the point at which we were not very long ago.

I can remember the Senate in the days of the late Senator Byrd and Senator Baker, with whom I first came to the Senate as a staff member. They basically had an agreement that worked like this: Senator Baker was majority leader for 4 years, Senator Byrd majority leader for 4 years, but they led their parties for 8 years. When they did, Senator Baker would say to the committees: Don't bring a bill to the floor unless it has the chairman and the ranking minority committee member both agreeing to it. Then, when it came to the floor, they would say: All right, let everybody offer their amendments. There might be 300 amendments. Then, after a while, they would offer a motion to agree to have no

more amendments, and usually they would get that. Then they would, by discussion, narrow that down to a number and then people would get their amendments. You might have to be here late one night. You might have to be here Friday. You might have to be here Saturday. Senators would say: Well, I wonder how important this amendment is. But the American people were heard on the floor of the Senate.

So it is my great hope that in the new Congress, where there will be a relatively even number of Senators—Democrats will still be setting the agenda, they can bring up whatever they wish—I would hope what we agree to do is to go back to this body being what it was and can be and should be.

We have 16 new Senators, 3 of them Democratic, 13 Republican. They ran for this office in very difficult races. It is not easy to do these days. They are here not just for their voices to be heard but for the voices of the people of their States to be heard—for the people of Kentucky, for the people of Wyoming, for the people of Pennsylvania, for the people of Delaware. They want to be heard here.

If we bring up the New START treaty or the double-paned window bill or the tax bill or whatever it is, the Senator from Delaware, the Senator from Pennsylvania, the Senator from Tennessee ought to have a chance to amend it, ought to have a chance to be heard. Then, after we do that, we can decide: OK. That is enough of that. Let's have a vote.

That is the way we do things. I think we can do that. I have seen it happen time and time again. We did it on the energy bill. We tried it on the immigration bill. Sometimes it works; sometimes it does not. It is a great way to legislate. So it would again be a joy to be a Member of the Senate.

This period between Thanksgiving and Christmas is not a great time to do very much. We have been here for 2 years. We just had an election. We are waiting for the new Members to come. They have their marching orders. I said to some of my friends the other day: My friends on the Democratic side keep insisting on an encore for a concert that drew a lot of boos.

I think what most Americans would like for us to do is keep the tax rates right where they are, fund the government before it runs out of money, consider the proposals for reducing the debt, and go home. If the President thinks it is important for us to deal with the New START treaty before Christmas, then he might say a word to the Democratic leader that after we deal with taxes and fund the government, that maybe that ought to be the next order of business instead of the double-paned window bill or any other variety of bills, all of which may be fine legislation. But you just do not walk in here 3 weeks before Christmas with some bill with nobody here and ask it be passed by unanimous consent.

That is not the way the American people want us to do business, and that does not give this body the respect it deserves.

So I greatly appreciate my friends on the other side and their passion for their point of view. I respect that passion. I think one of the cardinal rules of this body is never to question the motive of another Senator and always to respect the passion and point of view of another Senator. But I would like for us to get back to the point where you bring up something and we debate it—not you bring up something and you cut off amendments, you cut off debate, and then you do not do anything for a week. That is why nobody is here.

I will conclude with these remarks, by just restating our position. We sent this letter at the beginning of the week saying that the 42 Republican Senators want to use our voices to say that first we should fund the government, since we run out of money by the end of the week, and, second, we should deal with taxes so we can prevent a tax increase on anybody in the middle of an economic downturn. Then we should go to any other legislative item the majority leader wishes. Of course, he is free to bring up something like the New START treaty any time he wants to.

That seems, to me, to be a very reasonable approach, presented at the right time, in the right way, during a time when the President and the Republican and Democratic leaders are meeting together, when negotiations are going on about what the tax bill might be, when discussions are going on about how to fund the government, and when we are all in meetings right through this stretch about whether we are modernizing our nuclear weapons sufficiently so we can, in good conscience, vote to ratify the New START treaty.

Those are the most important issues, and that is what we should be talking about this month.

I thank the Presiding Officer and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB CREATION AND SPENDING

Mr. LEMIEUX. Mr. President, I rise today to talk about the issues and the topics this body badly needs to get to. Just a month ago there was an election in this country, and the people of this country spoke loudly and clearly. What they said is they wanted this Congress to focus on two things: No. 1, they wanted us to focus on creating jobs. This is the most difficult economy anyone who is working now has ever had to experience.

In my home State of Florida, unemployment is nearly 12 percent. If you figure in all the people who are underemployed—who have lost their job and now must work two or three jobs to make even less than what they used to make to barely get by, to provide for their families—nearly one out of five people of working age in Florida are unemployed or underemployed.

We are in the top three in mortgage foreclosures. In the first half of the year, Floridians were No. 1 on being behind on their mortgage payments. Although there are some spots of hope and some things to look at as potentially growing our economy again, we just recently found out that in southeast Florida—which in many ways has been ground zero for mortgage foreclosures—mortgage foreclosures have gone up in the third quarter more than 25 percent over the second quarter.

Times are tough in Florida. Times are tough all across this country. So the people of this country spoke, and they sent new people to Washington who will be taking office—some have already taken office, most will take office in January—to get this country back to work. What they asked this Congress to do is to focus on job creation.

The second thing they want this Congress to do is to stop the out-of-control spending. This government is putting this country on the brink of financial disaster. We know from the Congressional Budget Office, which keeps count of spending in this country, that this last year, 2010, the Congress spent \$1.3 trillion more than it took in—\$1.3 trillion more than it took in. It took 200 years for this country to go in debt. Yet just this last year, this Congress went \$1.3 trillion in debt.

Our national debt—the total amount of deficits that have accumulated over time—is nearly \$14 trillion. In the past 4 years, the national debt has gone up \$5 trillion. The American people are worried about this. When I go around Florida and talk to my constituents, they tell me they are concerned about the future for their kids, for their grandkids. They wonder whether our children are going to grow up in a country that has the same promise and opportunity that we have all experienced.

So these have been the two big issues. They are resounding. If you turn on the television and watch any of these cable talk shows, the two issues that come up are jobs and the out-of-control spending. Yet despite the overwhelming chorus from the people of this country—which manifested itself a month ago on election day—this Congress is failing to address these two primary issues.

Why in the world are we talking about a bunch of ancillary issues—albeit important in their own right—when the most pressing issues facing this country, and what the American people want us to do, is to focus on these two issues?

Part and parcel of the economic problem is the uncertainty that is being caused by Washington. For the past 2 years, instead of focusing on creating jobs, creating an environment that would allow businesses to create jobs, we have created all sorts of uncertainty for American entrepreneurs. I come from a State of small businesses. There are not a lot of big businesses in Florida. When I meet with small business, they tell me there is so much uncertainty that it is preventing them from hiring.

They cite the health care bill. How do we know if we can hire a new person? If we do we may be under some new mandate, some new penalty or fine that will make us pay more. We don't know whether we can afford that new employee. Therefore, they do not hire. No wonder unemployment is so high and has not come down.

They wonder about the financial regulatory reform bill. One business in Florida told me they will move some of their employees overseas so as to not come under the restrictions of that bill.

Most of all what they tell me is they do not know what their taxes are going to be next year. They do not know what they are going to pay in taxes. Because they can't plan, they cannot hire. Because they can't plan, they do not buy that new piece of equipment. Because they can't plan, they do not take on that extra lease space or hire the construction company to build an addition on their building or build a new facility.

So all of this uncertainty created by Washington not having its focus on what the American people want Washington to have its focus on is exacerbating the problem with the economy. So why in the world—knowing for the past 2 years that these tax cuts were set to expire—have we not addressed them?

When we voted to adjourn before the election, I voted not to adjourn because I thought it was fundamentally unfair to the businesses and job creators in this country for us to leave and not finish our work with them not knowing what their taxes would be next year. I knew that would hurt the effort to employ more people in my State. Yet here we are, the first day of December, just a month left in the time of this Congress, and we still have not addressed the tax issues.

We are talking about food safety, we are talking about the DREAM Act, we are talking about the repeal of don't ask, don't tell. However you feel about those issues—and I respect that people have differing views—that is not what the American people are focused on. We should be about the work of focusing on the issues that matter most, putting first things first. What should be first is creating an environment so that entrepreneurs and job creators can get people back to work.

Secondly, we must tackle this issue of spending. We just saw the report

from the debt commission, and we are all still reviewing the good work they have done. Let me say, first of all, this is a serious proposal from serious and responsible people, and it is the kind of work that should be done in Washington. I don't agree with all of its provisions, but I am proud of the work they have done because it is serious, it is sober, and it addresses the compelling crisis that confronts us and threatens the very future of this country.

As the cochairmen of that commission—Erskine Bowles and former Senator Simpson—have said this crisis will not wait 10, 20 years. This crisis is now.

But as much as I respect the work they have done, it doesn't go nearly far enough. Realize that the proposals they have made will cut the national debt and deficit \$4 trillion. That is a lot of money. It is a good start. It is being widely condemned by Democrats and Republicans. It tackles defense spending, so some Republicans don't like it. It tackles Medicare, Medicaid, and Social Security, so some Democrats don't like it. I think the Speaker of the House, NANCY PELOSI, dismissed it because of what it does on Social Security. But realize this: It only cuts \$4 trillion out of the next \$12 trillion that will be incurred in the next decade.

So let's put it in perspective. Right now our national debt is nearly \$14 trillion. It is projected to be \$26 trillion by 2020. If we adopted every proposal of the debt commission—every single one of them—we would reduce the projected national debt from \$26 trillion to \$22 trillion, and that is not enough. It is not even close to being enough.

Now, why is that the case? It is the case because we spend \$200 billion a year right now in our current budgetary environment on debt service—\$200 billion a year paying interest on money we have borrowed for things we should not have spent money on in the past.

Here is the truth the American people have not been told: For the past 30 or 40 years, this government has spent much more money than it has taken in. What it did first was it took the money out of Social Security and wrote an IOU to Social Security. When the Social Security money was unable to be raided anymore by Congress, which has been just recently, then this government had to go out and borrow the money from foreign countries such as China and Japan. That is why we have this huge unfunded portion of Social Security that is tens of trillions of dollars and that is why we have this national debt that is racking up.

For the last 30 or 40 years, this Congress has spent way more than it has taken in. Now we are in a situation where we put the future of this country in peril. At the end of this decade, if we have a \$26 trillion national debt—and even if it is \$22 trillion if we adopted every measure from the debt commission—we will still be \$800 to \$900 billion in debt service by the end of the decade, \$800 billion to \$900 billion. When

we are that far into our debt service payments—basically for the average American family this is similar to, thinking of this like a credit card, when you can't pay the minimum balance and every month the amount you owe keeps cascading more and more. That is where the American Government is headed.

When we get to \$800 billion or \$900 billion a year in interest payments, the government will not function. As Erskin Bowles said today, the world markets will not wait for that point. So what you are seeing in Europe right now with Greece and Ireland and Portugal and Spain will happen here, except there will not be a European Union or anybody else to bail out the United States of America.

It is a crisis. Yet this Congress is not doing anything about it. We are talking about adopting a continuing resolution because this Congress will not do an appropriations bill. A continuing resolution at its best will freeze spending at last year's level.

Some of my colleagues will say: That is good. See, we are not increasing the spending.

It is not an accomplishment, when last year we were more than \$1 trillion in deficit, to freeze spending at that level.

The two issues the American people want us to deal with are jobs and out-of-control government spending. Yet we are failing to do both. There is a lot of frustration in this Chamber. I watched some of my colleagues on the other side today come speak on the floor, and they are frustrated that we are not getting things done. I am frustrated too. Two of my colleagues are proposing a change to the way the procedures of this body work. They do not think it should take 60 votes for us to do some things.

I do not agree with them, but I share their frustration because, as much as I am privileged to be here—and I am in awe of this institution—the way this Congress works and this body works is dysfunctional. The way it should work and the way it used to work, from what people tell me who were here before, is that a proposal would come up, a piece of legislation, and it would come to the floor and we would all have a chance to offer an amendment. We would all have a chance to make it better.

My constituents in Florida think I have the opportunity to offer amendments and let their voices be heard through my actions. If my proposal is not good or not worthy, then it should not pass. But it should see the light of day. This was a time when Senators stayed by their desks and listened to the proposals and amendments of other Senators and were able to quickly call home to the group that the proposal might affect. Say it was an agricultural proposal. They might call their local farmers or if it would affect banks, they might call banks to see how it would affect their constituents in their home State, and the level of discourse was better.

The people of this country expect us to get to work. They expect us to get to work on the issues that matter most. They are suffering and we should get about the work that they want us to do because the future of the country is at stake.

I yield the floor.

ADVANCED PRACTICE REGISTERED NURSE PROGRAMS

Mr. INOUE. Mr. President, today I rise to recognize the need to transition the Advanced Practice Registered Nurse—APRN—programs at the Uniformed Services University of the Health Sciences—USUHS—to the Doctorate of Nursing Practice. It was my hope to establish a program to educate advanced practice nurses at USUHS and in 1993 Congress founded the Uniformed Services University of the Health Sciences Graduate School of Nursing, GSN. Doctoral nursing programs are designed to prepare advanced practice nurses and Ph.D.s for the unique challenges of military health care. The GSN students explore the fields of nursing through a signature blend of science, research, and field training. The lessons learned on the USU campus and beyond the traditional classroom prepare the GSN graduates to take on a diverse range of challenges that have led to their success in any environment.

The American Association of Colleges of Nursing—AACN—Position Statement on the Doctorate of Nursing Practice, DNP, dated October 2004, identified 13 advanced practice degree recommendations in response to the increasing complexity of healthcare and rising patient acuties. In recommendation 10 of its position statement, the AACN stated, “the practice doctorate be the graduate degree for advanced nursing practice preparation including, but not limited, to the four current APRN roles: clinical nurse specialist, nurse anesthetist, nurse midwife and nurse practitioner.” Additionally, the American Association of Colleges of Nursing and the American Association of Nurse Anesthetists, Council on Accreditation have stated that APRN programs should be converted from the master's degree to Doctorate of Nursing Practice programs by 2015 and 2025, respectively. These endorsements were preceded by almost 4 years of research and consensus-building by an AACN task force charged with examining the need for the practice doctorate with a variety of stakeholder groups. Of the 388 APRN programs in the country, 72 percent are offering or planning DNP programs. To maintain professional standards for military APRNs and remain competitive for high quality students, the Graduate School of Nursing at USUHS must transition to the DNP for its APRN programs. A report is requested from USUHS, within 180 days, outlining the GSN's progress toward DNP program transition and planned implementation.

WORLD AIDS DAY

Mr. DURBIN. Mr. President, next year marks the 30th anniversary of the first diagnosis by the Centers for Disease Control of acquired immune deficiency syndrome or AIDS. This year, 33.3 million people are living with HIV. Last year 2.6 million people were infected with HIV, and 1.8 million people died from AIDS. And today we commemorate World AIDS Day, acknowledging the suffering and death that AIDS has caused and reaffirming our commitment to fight the global AIDS pandemic.

For three decades this preventable disease has devastated families and communities. But there also has been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. Fewer people are becoming infected with HIV, biomedical innovations have created drugs that can transform AIDS into a chronic disease rather than a death sentence, more people have access to HIV treatment, and mothers can prevent their babies from becoming infected with HIV. A recent CDC report, indicating that 11.4 million more people were tested for HIV in 2006 compared to 2009, highlights the advancements that have been made.

The U.S. has been at the frontline combating the AIDS pandemic. We have established aggressive and effective programs, notably the Ryan White HIV/AIDS Program and the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act, known more commonly as PEPFAR. These programs provide funding and support to initiatives combating AIDS and providing critical services to people in the U.S. and developing countries.

Progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV.

We can bring this number to zero. While Black Americans represent 12 percent of the U.S. population, they account for almost half of people living with HIV and half of new infections each year. We can alter the trajectory of this disease and eliminate these disparities.

World AIDS Day causes us to remember those who have been lost to this disease, but it is also an opportunity to renew our commitment to fighting the AIDS pandemic, to eliminating stigma against those with this disease, and to stopping the spread of HIV.

I look forward to working with my colleagues to make these goals a reality.

HONORING OUR ARMED FORCES

SPECIALIST DAVID S. ROBINSON

Mrs. LINCOLN. Mr. President, today I honor SPC David S. Robinson, 25, of Fort Smith, AR, who died November 20, 2010, in Zabul Province, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist Robinson died of injuries sustained when his military vehicle overturned.

My heart goes out to the family of Specialist Robinson, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Specialist Robinson was assigned to A Troop, 2nd Squadron, 2nd Stryker Cavalry Regiment, V Corps, Vilseck, Germany. His mother resides in Fort Smith, AR, and his father in Canton, PA. His wife and children reside in Clarksville, TN.

STAFF SERGEANT KEVIN MATTHEW PAPE

Mr. BAYH. Mr. President, I rise today to honor the life of SSG Kevin Matthew Pape of the U.S. Army and Fort Wayne, IN.

Staff Sergeant Pape was assigned to C Company, 1st Battalion, in the 75th Ranger Regiment at Hunter Army Airfield in Georgia. He was 30 years old when he lost his life on November 16, 2010, while bravely serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was on his third tour of duty in Afghanistan, after three tours in Iraq.

A native of Fort Wayne, Staff Sergeant Pape graduated from Concordia High School in 1998. He enlisted in the U.S. Army in 2005 and graduated from the Ranger Assessment and Selection Program in 2006, where he served as a machine gunner, team leader and squad leader.

COL Michael Kurilla, Commander of the 75th Ranger Regiment, recalled that Staff Sergeant Pape, "had two priorities in his life—his family and the Rangers he led. By the manner in which he lived his life, Staff Sergeant Pape defined sacrifice, dedicated, and selfless service."

Staff Sergeant Pape's numerous awards and decorations include the Ranger Tab, the Expert Infantry Badge, the Combat Infantry Badge and the Parachutist Badge. He was post-

humously awarded the Bronze Star Medal, the Purple Heart and the Meritorious Service Medal.

Today, I join Staff Sergeant Pape's family and friends in mourning his death. He is survived by his wife Amelia Rose Pape and his daughter Aneka Sue, both of Savannah, GA, and his father Marc Dennis Pape of Fort Wayne, IN.

We take pride in the example of this dedicated soldier and American hero, even as we struggle to express our grief over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SSG Kevin Matthew Pape in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, today, without congressional action, hundreds of thousands of Americans will lose their unemployment benefits. Earlier this week, along with 19 of my colleagues, I introduced the Unemployment Insurance Stabilization Act of 2010—the USA bill. Our bill would reauthorize the Federal unemployment benefits program.

Unemployment benefits are the only lifeline that many workers in Montana and across the nation have left in this tough economy. These benefits help millions of Americans to put food on the table and roofs over their heads. These benefits pump money into our economy and help to create jobs.

The nonpartisan Congressional Budget Office says that unemployment benefits have one of the largest effects on economic output and employment per dollar spent of any policy.

This Congress has spent a lot of time reauthorizing unemployment benefits for a few months at a time. This bill would reauthorize the program for a full year.

A longer reauthorization of the unemployment benefits program would provide certainty. It would provide certainty for our economy. And it would provide the certainty that Americans looking for work need.

This bill would fund unemployment insurance for people who have lost their jobs in the latter portion of the recession.

This bill would not provide anyone with more than 99 weeks of benefits. This bill would ensure that out-of-work Americans who lost their jobs recently

would get benefits similar to those received by their neighbors who lost their jobs earlier in the recession.

The Department of Labor reports that for every dollar spent on unemployment insurance, two dollars are re-invested in the economy.

This bill is crucial to our economy. This bill is about jobs.

This bill is about jobs because unemployment insurance goes to people who will spend it immediately. That increases economic demand. And that helps to support our fragile economic recovery.

CBO says that aid to the unemployed is among the policies best suited to creating jobs per dollar of budgetary cost.

With unemployment at 9.6 percent, now is not the time to stop investing in economic recovery. This bill would keep in place a major source of our recovery. This bill would support Americans who have worked, are looking for work, and will work again.

For millions of people, unemployment insurance is the bridge to the next job. This bill would provide a bridge over troubled waters.

I think of a woman from Helena, MT, who called my office. She told us that unemployment benefits are keeping her family afloat. She was laid off when she was 8 months pregnant. And she wants the Senate to know that she has worked since she was a teenager. She wants to work. And she will work again.

And I think of a Montana father with three small children who was laid off after 18 years of service. The company could no longer pay his wages. He has no income. But he continues to look for work. His home is going into foreclosure. Unemployment insurance has been his only income. It is what puts food on the table for his family.

This is America. When there is an emergency, we don't leave people behind.

We cannot take Federal unemployment insurance benefits away before our economy and out-of-work Americans have found their footing.

Let's not leave the unemployed behind.

I urge my colleagues to support this commonsense legislation.

HEALTH CARE

Mr. BROWN of Massachusetts. Mr. President, I rise today to continue to urge my colleagues for quick passage of my legislation that would restore access to life-saving medicines for children's hospitals.

As my colleagues are aware, I introduced independent legislation in September that would protect the lives of the most vulnerable among us—our Nation's children—by immediately restoring access and ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

Children's hospitals lost access to these medicines when Congress passed

the Patient Protection and Affordable Care Act.

That wasn't right.

And so my legislation sought to fix it and restore access to these life-saving medicines for children's hospitals. Without this fix, children's hospitals across the country will be faced with higher drug costs. I introduced this legislation with the support of several of my Republican colleagues. And I know that my Democratic colleagues support the intent of my legislation too.

Unfortunately, and despite passage in the House, the Senate has not passed legislation to correct this flaw in the Patient Protection and Affordable Care Act.

But I am hopeful that the Senate will take action soon. I continue to work with my colleagues on the Senate Finance Committee and with Senate leadership to ensure that the Senate acts swiftly to correct this error in the Federal health care reform bill.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare diseases or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

I will say again that my legislation has the support of my colleagues from both sides of the aisle. And I have this support because fixing this provision and restoring access to life-saving medicines is the right thing to do.

My legislation restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly \$3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given peace of mind.

Passing my bill quickly is the right thing to do and I encourage my colleagues in the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same. And we should do so before the end of this year.

I believe quick passage is possible—quick passage should be possible—because of the support and efforts that I have seen demonstrated by my fellow Senators.

ADDITIONAL STATEMENTS

COLORADO RAPIDS SOCCER TEAM

• Mr. BENNET. Mr. President, today I congratulate and honor the tenacious play of the Colorado Rapids soccer team, that recently fought their way to victory over F.C. Dallas in the MLS Cup. This was truly a come-from-behind victory. The Rapids struggled against F.C. Dallas in two games earlier this season, and in the championship game, Dallas scored first, early in the first half. But as they had done throughout the playoffs, the Rapids relied on their character, concentration, and grit and came back in the championship game to win 2 to 1 in overtime.

This is the first MLS Cup championship victory in Colorado Rapids history. And it is a testament to the resiliency of the team. From the creativity of our strikers to the concentration of our goalkeeper, our side showed that they have what it takes to win, again and again. The Rapids have proudly represented our State and the Colorado ideal that hard work and determination pay off. That is a lesson I am proud to share with my three daughters, all of whom play soccer. The Rapids have proven that we have world-class teams and world-class fans in Colorado. I am proud to support the Colorado Rapids and again congratulate them on this remarkable accomplishment.●

TRIBUTE TO DOMINIC CALABRO

• Mr. LEMIEUX. Mr. President, today I wish to recognize the distinguished career of Mr. Dominic Calabro of Tallahassee, FL, who is in his 30th year of public service with Florida TaxWatch, a nonpartisan, nonprofit government watchdog and research institute that has served the taxpayers for decades in my home State of Florida. The group has been chaired for the past 2 years by the distinguished leadership of David A. Smith of Jacksonville, FL.

Florida TaxWatch first hired Mr. Calabro in 1980 as a senior research analyst. His hard work and dedication was quickly recognized, as he was promoted to executive director in 1982 and CEO in 1986. Mr. Calabro has guided the growth of TaxWatch into a dynamic, influential organization dedicated to improving government productivity and taxpayer value through research and civic engagement. Approximately 70 percent of TaxWatch's recommendations have been adopted by Florida's government, saving billions of dollars for Florida taxpayers.

Under Mr. Calabro's leadership, Florida TaxWatch has grown from an organization with a membership of approximately 30 and annual revenues of approximately \$64,000 to a statewide organization boasting a membership of nearly 1,000 individuals and organizations and revenues that have grown more than twentyfold to over \$1,500,000.

In addition to identifying and working to improve government spending in the public interest, Mr. Calabro and TaxWatch are the key players in the annual Prudential-Davis Productivity Awards, a nationally unique public-private partnership that recognizes and rewards exceptional Florida state employees whose innovative work measurably increases productivity and saves taxpayer money. Mr. Calabro has received numerous honors and awards, including being named by the National Junior Chamber of Commerce as one of Ten Outstanding Young Americans for 1994.

Mr. Calabro has been supported in all of his endeavors by his loving wife of 31 years, Debbie. They are devoted to their four children, Diana, Dominic, Christina, and Danny.

Mr. Calabro is also a driving force for improvements in public education. He is on the Board of Advisors for Florida State University's Graduate School of Social Work. Mr. Calabro also serves on the Florida Education Foundation and Communities in Schools of Florida.

Many Florida TaxWatch recommendations have served as the impetus for important changes to Florida budgetary and taxation policy, including the Taxpayers Bill of Rights of 1992, the Government Performance Accountability Act of 1994, the complete phase-out of the Intangibles Tax, and a recent Government Cost Savings Task Force that so far has saved the state nearly \$3 billion to weather the current economic climate.

I congratulate Mr. Calabro on his 30 years of service with Florida TaxWatch, and to wish him nothing but the best in his future endeavors.●

REMEMBERING FATHER ALLEN NOVOTNY

• Ms. MURKOWSKI. Mr. President, on October 27th the Gonzaga College High School and Jesuit community lost a leader and dear friend. Father Allen Novotny served as the president of the oldest private high school in Washington, DC, and led the charge to modernize the school's aging facilities. When I moved my family to Washington, DC, I knew that under the leadership of Father Novotny, my two sons would receive the best education possible at Gonzaga. The school, which is known for its motto "Men for Others" encourages students to participate in service projects throughout DC, the country, and the world. During his 16 years at Gonzaga, Father Novotny increased the funding and variety of these essential service projects that gave thousands of young men the opportunity to grow in their faith and serve those in need.

Allen Paul Novotny was born in Baltimore in 1952 and received his education at the Sacred Heart of Jesus School in Baltimore and then Loyola High School in Towson. He entered the Society of Jesus at the Novitiate of St.

Isaac Jogues in Wernersville, PA, in 1970, and received a degree in history from Fordham University in 1975. He then went on to teach history at his alma mater Loyola, and by 1989 had received three master's degrees in divinity, pastoral counseling, and business administration. These credentials along with Father Novotny's passion to provide a productive learning environment for the young men at Gonzaga resulted in a \$30 million campaign to renovate and expand the schools aging cafeteria, classrooms, gymnasium, and other facilities.

Along with his tireless efforts to improve the school structurally, Father Novotny also ensured the spiritual and educational improvement of the student body, parents, and faculty. With his calm demeanor and strong faith, he guided the school through times of national tragedy in 2001 when the September 11 attacks took the lives of family and friends in the Gonzaga community and again in 2002 during the Washington DC, sniper shootings. He also led the school to great educational and athletic triumphs. During his tenure, courses offered for college credit at Gonzaga significantly increased and Gonzaga's basketball program has consistently been nationally ranked.

Father Novotny had a very personal connection with his students, which I always admired as a parent. He constantly attended the games of Gonzaga's various sports teams and participated with the students in their service projects. In the weeks since his passing, there has been an outpouring of condolences from thousands of former and current students, parents, faculty, and friends who have shared their stories of the influence that Father Novotny had on their lives. Gonzaga will now have to search for a replacement to serve as the school's president, but we will never be able to replace in our hearts such a great leader, mentor, teacher, and friend. May he rest in peace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has agreed to the amendments of the Senate to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief victims of the earthquake in Haiti may be accelerated.

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes.

H.R. 6398. An act to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 101. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

At 6:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

The message further announced that that House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are

able to live with dignity, comfort, and security in their remaining years.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 75. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

ENROLLED BILLS SIGNED

At 6:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

MEASURES READ THE FIRST TIME ON NOVEMBER 30, 2010

The following bills were read the first time:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8246. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Commission; to the Committee on Appropriations.

EC-8247. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Kevin T. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8248. A communication from the Executive Secretary, Operations, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report of a rule entitled "Description of Office, Procedures, and Public Information" (12 CFR Part 1101) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8249. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-8250. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2009; to the Committee on Energy and Natural Resources.

EC-8251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Pre-Approved Individual Retirement Arrangements (IRAs)" (Rev. Proc. 2010-48) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Finance.

EC-8252. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0171—2010-0175); to the Committee on Foreign Relations.

EC-8253. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administra-

tion, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs for Minor Use and Minor Species" (Docket No. FDA-2010-N-0534) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8254. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8255. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8256. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Homeland Security and Governmental Affairs.

EC-8257. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8258. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Hawaii Bottomfish and Seamount Groundfish; Measures to Rebuild Overfished Armorhead at Hancock Seamounts" (RIN0648-AY92) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8259. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western and Central Pacific Fisheries for Highly Migratory Species; 2010 Bigeye Tuna Longline Fishery Closure" (RIN0648-XZ39) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8260. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO21) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8261. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West-

ern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO36) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8262. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO34) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (54); Amdt. 3399" (RIN2120-AA65) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Berryville, AR" (RIN2120-AA66) (Docket No. FAA-2010-0690) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Amendment of Area Navigation (RNAV) Routes; Alaska" (RIN2120-AA66) (Docket No. FAA-2010-0397) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kennett, MO" (RIN2120-AA66) (Docket No. FAA-2010-0606) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (51); Amendment No. 490" (RIN2120-AA63) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Airplane Program: Widespread Fatigue Damage" (RIN2120-AI05) (Docket No. FAA-2006-24281) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" (RIN2120-AA64) (Docket No. FAA-2010-1055) received in the Office of the President of the Senate on November 30, 2010; to

the Committee on Commerce, Science, and Transportation.

EC-8270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model SA-365N1, AS-365N2, and AS 365 N3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1082)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CT7-9C and -9C3 Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0732)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC-7 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0699)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1126)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1125)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L-1, and 206L-3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2008-1242)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0376)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440), CL-600-2C10

(Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0223)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8278. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, L, L1, and L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0907)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8279. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0778)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8280. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" ((RIN2120-AA64) (Docket No. FAA-2010-1055)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0279)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8282. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1041)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8283. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS CASA (Type Certificate Previously Held by Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes, and Model C-295 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0640)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 and 767 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1040)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0705)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8286. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223F, -243, and -243F Airplanes, Model A330-300 Series Airplanes, and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0675)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8287. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0870)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8288. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0700)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8289. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0483)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8290. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1106)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8291. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-800 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1102)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8292. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0548)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8293. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Custer and Onekama, Michigan)" (MB Docket No. 08-86) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8294. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5758. A bill to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

H.R. 6118. To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office".

H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6387. A bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2802. A bill to settle land claims within the Fort Hall Reservation.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3784. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions.

*Robert Anacletus Underwood, of Guam, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Kris D. Gutierrez, of Colorado, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Sean P. Buckley, of New York, to be Commissioner of Education Statistics for a term expiring June 21, 2015.

*Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services.

*Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

By Mr. LEAHY for the Committee on the Judiciary.

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia.

James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia.

Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

Paul Kinloch Holmes, III, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California.

Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas.

Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement.

Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service. vice John F. Clark, resigned.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 3994. A bill to delay the effective date of the mandatory purchase requirement for new flood hazard areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in

order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 3996. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. CONRAD):

S. 3997. A bill to authorize appropriations for certain Native American programs; to the Committee on Indian Affairs.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 3998. A bill to extend the Child Safety Pilot Program; considered and passed.

By Mr. VITTER:

S. 3999. A bill to provide for reductions in the number of employees in Federal departments and agencies, freeze Federal employee compensation, reduce funding to the White House and Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3934

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3934, a bill to provide tax relief for persons affected by the discharge of oil in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

S. 3950

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3950, a bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011.

S. 3981

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions.

S. 3992

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3992, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4626 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to join with my colleagues from Idaho and Oregon, Senator JAMES RISCH, Senator MIKE CRAPO, and Senator JEFF MERKLEY, in introducing the Geothermal Production Expansion Act of 2010. This legislation will amend an already existing law—the Geothermal Steam Act—governing the way the Federal Government leases public lands for the development of geothermal energy projects.

Geothermal energy facilities provide a continuous supply of renewable energy with very few environmental impacts. Although the United States has more geothermal capacity than any other country, this potential has been barely tapped. This shortfall is partly due to the high initial cost and risk involved in locating and developing geothermal resources. Like oil and natural gas exploration, until exploration and production wells are actually drilled, the true energy value of the site is not known nor is the full extent of the underground reservoir or energy source.

This legislation is intended to expand the future production of geothermal energy on federally-owned lands by taking some of the uncertainty and guess work out of the leasing and development process by allowing the Interior Department to issue geothermal leases for adjacent lands on a non-competitive basis, based on fair-market value. This would allow a geothermal developer to expand a successful geothermal lease without being forced into a bidding war with speculators or uncooperative competitors who might threaten project expansion or even prevent the project from reaching commercial scale.

Under current law, the Department of Interior is charged with issuing geothermal energy leases through a competitive lease sale. There are, however, several situations where the Department is allowed to issue non-competitive leases, for example, if there were no competitive bids offered, or where there is an already existing mining

claim, or where the geothermal energy will be used directly on site for heating or other uses and not sold as electricity. This legislation would add an additional category of non-competitive leases for lands that are immediately adjacent to an existing, competitively-awarded, geothermal lease where there is an identified, validated geothermal energy discovery. They would not just be given away to an existing lease holder. These non-competitive leases would be made at fair-market value as independently determined by the Department of Interior. They could also not be taken away from any existing lease holder, if they were already leased, nor could they be removed from competitive leasing if they had already been nominated to be competitively leased.

These safeguards are intended to insure that this new non-competitive lease authority is a limited exception to the general policy of competitive leasing for geothermal resources on our public lands. At the same time, this new authority will help ensure that when and where a geothermal resource has been discovered, the project developer will be able to tap that resource and turn it into a viable, commercial energy business and provide clean, renewable energy for our country.

This bill is a companion to bipartisan legislation sponsored by Representative JAY INSLEE in the House of Representatives. The House Committee on Natural Resources held hearings on the underlying House bill, H.R. 3709, in February of this year. The legislation Sen. RISCH and I are introducing today incorporates changes resulting from those hearings, primarily making it clear that any non-competitive leases issued under this authority would be at fair-market value.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Geothermal Production Expansion Act of 2010”.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the best interest of the United States to develop clean renewable geothermal energy;

(2) development of that energy should be promoted on appropriate Federal land;

(3) under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Bureau of Land Management is authorized to issue 3 different types of noncompetitive leases for production of geothermal energy on Federal land, including—

(A) noncompetitive geothermal leases to mining claim holders that have a valid operating plan;

(B) direct use leases; and

(C) leases on parcels that do not sell at a competitive auction;

(4) Federal geothermal energy leasing activity should be directed towards persons

seeking to develop the land as opposed to persons seeking to speculate on geothermal resources and artificially raising the cost of legitimate geothermal energy development;

(5) developers of geothermal energy on Federal land that have invested substantial capital and made high risk investments should be allowed to secure a discovery of geothermal energy resources; and

(6) successful geothermal development on Federal land will provide increased revenue to the Federal Government, with the payment of production royalties over decades.

SEC. 3. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

“(4) ADJOINING LAND.—

“(A) DEFINITIONS.—In this paragraph:

“(i) FAIR MARKET VALUE PER ACRE.—The term ‘fair market value per acre’ means a dollar amount per acre that—

“(I) except as provided in this clause, shall be equal to the market value per acre as determined by the Secretary under regulations issued under this paragraph;

“(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 90-day period beginning on the date the Secretary receives an application for the lease; and

“(III) shall be not less than the greater of—

“(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

“(bb) \$50.

“(ii) INDUSTRY STANDARDS.—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

“(iii) QUALIFIED FEDERAL LAND.—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

“(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

“(v) QUALIFIED LESSEE.—The term ‘qualified lessee’ means a person that may hold a geothermal lease under part 3202.10 of title 43, Code of Federal Regulations, as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010.

“(vi) VALID DISCOVERY.—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

“(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

“(i) the area of qualified Federal land—

“(I) consists of not less than 1 acre and not more than 640 acres; and

“(II) is not already leased under this Act or nominated to be leased under subsection (a);

“(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

“(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

“(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

“(II) that thermal feature extends into the adjoining areas.

“(C) DETERMINATION OF FAIR MARKET VALUE.—

“(i) IN GENERAL.—The Secretary shall—

“(I) publish a notice of any request to lease land under this paragraph;

“(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

“(III) provide to a qualified lessee and publish any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph;

“(IV) provide to the qualified lessee the opportunity to appeal the proposed determination during the 30-day period beginning on the date that the proposed determination is provided to the qualified lessee; and

“(V) provide to any interested member of the public the opportunity to appeal the proposed determination in accordance with the process established under parts 4 and 1840, and section 3200.5, of title 43, Code of Federal Regulations (as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010) during the 30-day period beginning on the date that the proposed determination is published.

“(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

“(D) REGULATIONS.—Not later than 180 days after the date of enactment of the Geothermal Production Expansion Act of 2010, the Secretary shall issue regulations to carry out this paragraph.”

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to introduce pro-consumer wireless legislation, which will improve wireless coverage and go a long way toward preventing the annoying dropped phone calls that many of us frequently experience indoors and in rural areas.

Specifically, the Federal Wi-Net Act would require the installation of small wireless base stations, such as femtocells or similar technologies, and Wi-Fi hot-spots in Federal buildings to improve wireless coverage and network capacity. In addition, the bill would streamline Federal rights-of-way and

wireless transmitter sitings on Federal buildings, which will simplify and expedite the placement of wireless and broadband network infrastructure, resulting in the expansion of coverage and more reliable service to consumers and businesses.

Over the past year, there has been growing concern about a looming radio spectrum crisis given the significant growth in the wireless industry. Currently, there are more than 276 million wireless subscribers in the U.S., and American consumers use more than 6.4 billion minutes of air time per day. While the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband. According to the Pew Research Center, 56 percent of adult Americans have accessed the Internet via a wireless device. And ABI Research forecasts there will be 150 million mobile broadband subscribers by 2014—a 2,900 percent increase from 2007.

To meet this growing demand, a multi-faceted solution is required that includes fostering technological advancement and more robust spectrum management. Such technologies as femtocells and Wi-Fi hotspots will help alleviate growing wireless demand by offloading that traffic onto wireline broadband networks.

To that point, approximately 40 percent of cell phone calls are made indoors and more than 25 percent of U.S. households have “cut-the-cord,” relying solely on cell phones to make voice calls. On the data side, Cisco’s Virtual Network Index reports that approximately 60 percent of mobile Internet use is done inside—either at home or at work.

As the Federal Communications Commission’s National Broadband Plan highlights, most smartphones sold today have Wi-Fi capabilities to take advantage of the growing ubiquity of wireless networks. According to a November 2008 report from AdMob, 42 percent of all iPhone traffic was transported over Wi-Fi networks rather than AT&T’s cellular network. So installing more mini-base stations, such as femtocells, and Wi-Fi hotspots will improve indoor coverage and wireless network capacity.

But in addition to improving indoor coverage and network capacity, we must take steps to expand wireless coverage—primarily in rural areas. The General Services Administration, GSA, manages approximately 8,600 buildings across the country that can be used to house wireless and broadband infrastructure.

As the National Broadband Plan acknowledges, “to effectively deploy broadband, providers often need to be able to place equipment on this federally controlled property, or to use the rights-of-way that pass through the property.” So we must make it a priority to streamline the processes, zoning, and permitting to ensure that carriers have reasonable, timely, and appropriate access to Federal buildings.

Doing so will, without question, dramatically improve the service availability on which more than 276 million wireless subscribers rely daily.

The increasing importance of wireless communications and broadband has a direct correlation to our Nation’s competitiveness, economy, and national security and therefore demands that we make the appropriate changes to current spectrum policy and management to avert a spectrum crisis and continue to realize the boundless benefits of spectrum-based services. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4724. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4725. Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes.

TEXT OF AMENDMENTS

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. SUICIDE PREVENTION MONITORING OF MEMBERS OF THE ARMED FORCES ADMINISTRATIVELY SEPARATED FOR HIGH RISK BEHAVIOR DURING THEIR TRANSITION TO DEPARTMENT OF VETERANS AFFAIRS CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Suicide rates for members of the Armed Forces on active duty and veterans have risen as a result of multiple tours of duty in ongoing military operations in Afghanistan and Iraq, with 20 percent of all suicides in the United States committed by veterans. On average, 18 veterans commit suicide each day, but just 5 such veterans—or 27 percent—are under the care of the Department of Veterans Affairs at the time.

(2) The 2010 Army Health Promotion Risk Reduction Suicide Prevention Report states that the current suicide problem in the Army is exacerbated by an acceptance of

high risk behaviors, which have been increasing since fiscal year 2004. The report contains recommendations that could result in the separation from the Armed Forces for disciplinary reasons of members who have a potential for suicide.

(3) To address this possibility, the Department of Defense and the Department of Veterans Affairs should jointly develop policies and procedures to specifically mitigate the risks associated with such separations.

(b) **SUICIDE PREVENTION MONITORING.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a program to monitor members of the Armed Forces who are administratively separated from the Armed Forces for high risk behavior during their transition to receipt of care from the Department of Veterans Affairs and to otherwise assist such members in that transition. The program shall be known as the “DOD-to-VA Suicide Prevention Pipeline Program”.

(2) **ELEMENTS.**—Under the program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly assign to each individual who is administratively separated from the Armed Forces for high risk behavior a case worker who shall meet with such individual, with such frequency as the Secretary of Defense and the Secretary of Veterans Affairs jointly determine appropriate, in order to monitor the behavior of such individual, offer support to such individual, and encourage such individual to take advantage of benefits and care provided by the Department of Veterans Affairs. Such meetings shall continue for a given individual until the individual is under the effective jurisdiction of the Department of Veterans Affairs or the Secretary of Defense and the Secretary of Veterans Affairs otherwise jointly determine such meetings are no longer necessary.

(3) **HIGH RISK BEHAVIOR.**—For purposes of this subsection, high risk behavior includes attempted suicide, illicit use of drugs (whether prescription or illegal), substance abuse, criminal activity, gambling, infidelity, excessive spending, reckless driving, and other such behavior that alone or in combination with other behavior results in administrative separation from the Armed Forces.

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the program required by subsection (b). The report shall set forth a description of the program and an assessment of the effectiveness of the program in preventing suicide among individuals who are administratively separated from the Armed Forces for high risk behavior.

SA 4723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. EXPANSION OF EMBEDDING OF BEHAVIORAL HEALTH PROVIDERS IN OPERATIONAL UNITS OF THE ARMY THROUGH MOBILE BEHAVIORAL HEALTH TEAMS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Final Report of the Department of Defense Task Force on the Prevention of Suicide by Members of the Armed Forces, published in August 2010, states that “Service Members and behavioral health providers report overwhelmingly positive experiences with embedded mental health providers in operational units; however, the practice is underutilized.” The report further states that embedded behavioral health providers help members of the Armed Forces retain functionality in stressful environments, improve their psychological and emotional fitness, expedite their return to duty when exposed to traumatic events, and reduce stigma associated with behavioral healthcare, and calls for an expansion of the practice of embedding behavioral health providers in operational units.

(2) An evaluation of the pilot Mobile Behavioral Health Service (MBHS) at Fort Carson, Colorado, determined that the level of support for the Mobile Behavioral Health Service among soldiers and key unit leaders at Fort Carson and the positive effect of the Mobile Behavioral Health Teams on inpatient psychiatric admissions, off-post referrals, unit risk behaviors, soldiers characterized as non-deployable for behavioral health reasons, and potential cost savings of the Mobile Behavioral Health Service warranted replication of this model at other Army installations.

(b) **IN GENERAL.**—By not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall put in place at not less than four Army installations with a brigade combat team selected by the Secretary for purposes of this section a Mobile Behavioral Health Team (MBHT) for purposes of facilitating early identification and treatment of behavioral health concerns among members of such combat teams and mitigating both inpatient psychiatric admissions and the necessity of referrals off-post for mental health care among such members.

(c) **ELEMENTS OF MBHT.**—The Secretary shall consider utilizing a model for each Mobile Behavioral Health Team put in place under subsection (b) that includes the assignment of credentialed behavioral health providers exclusively to a single battalion within a brigade combat team to identify behavioral health problems early and with more accuracy, to remove barriers to care, and to improve treatment outcomes.

(d) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken under this section. The report shall include a comprehensive description of the activities of the Mobile Behavioral Health Teams put in place under this section and an assessment of the effectiveness of such teams in meeting the purposes of such teams as described in subsections (b) and (c).

SA 4724. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. REPORT ON AIR SURVEILLANCE CONFLICTS AT VIRGINIA BEACH, VIRGINIA.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on potential air surveillance conflicts at Virginia Beach, Virginia.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the impact on the performance of the Oceana Air Surveillance Radar (ARSR) of proposed construction of buildings in the Virginia Beach, Virginia, oceanfront area that are less than 200 feet high.

(2) An evaluation of the cost and impact on air surveillance operations of various options for reducing or eliminating potential air surveillance conflicts in the area, including—

(A) relocating the Oceana ARSR;

(B) upgrading the signal processing or power management capabilities of the Oceana ARSR;

(C) providing supplementary, “gap filler” radar through sources other than Oceana ARSR, including a cost estimate for the procurement and installation of such radar; and

(D) any other alternative options that would mitigate potential air surveillance conflicts.

(c) **CONSULTATION.**—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Secretary of the Navy, the Secretary of the Air Force, the Administrator of the Federal Aviation Administration, the Commander of the North American Aerospace Defense Command, and the Secretary of Homeland Security.

SA 4725. Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Protecting Girls by Preventing Child Marriage Act of 2010”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as “forced marriage” or “early marriage”, is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, “Marriage shall be entered into only with the free and full consent of intending spouses”.

(3) According to the United Nations Children’s Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that child marriage is “a clear and unacceptable violation of human rights”, and that “the Department of State categorically denounces all cases of child marriage as child abuse”.

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls’ schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) PRIORITY.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, which should address the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(e) ACTIVITIES SUPPORTED.—Assistance authorized under subsection (a) may be made available for activities in the areas of education, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all relevant agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 1, 2010, at 9:30 a.m., to conduct

a hearing entitled, "Problems in Mortgage Servicing from Modifications to Foreclosure, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Transition and Implementation: The NASA Authorization Act of 2010."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Are Mini Med Policies Really Health Insurance?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., to hold a hearing entitled, "Latin America in 2010: Opportunities, Challenges and the Future of U.S. Policy in the Hemisphere."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 1, 2010, at 9:45 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Is Stronger Management and Oversight Needed?" on December 1, 2010. The hearing will commence at 10:15 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 1, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office

Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING THE CHILD SAFETY
PILOT PROGRAM

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3998, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3998) to extend the Child Safety Pilot Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2010".

SEC. 2. EXTENSION.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "92-month" and inserting "104-month".

INTERNATIONAL PROTECTING
GIRLS BY PREVENTING CHILD
MARRIAGE ACT OF 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 637, S. 987.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 987) to protect girls in developing countries through the prevention of child marriage and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Protecting Girls by Preventing Child Marriage Act of 2010".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as "forced marriage" or "early marriage", is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation

of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of intending spouses".

(3) According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between 1/2 and 3/4 of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that "child marriage is a clear and unacceptable violation of human rights, and that the Department of State denounces all cases of child marriage as child abuse".

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term "child marriage" means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) *IN GENERAL.*—The President is authorized to provide assistance, including through multi-lateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) *PRIORITY.*—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) *STRATEGY REQUIRED.*—

(1) *IN GENERAL.*—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, and should include addressing the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) *CONSULTATION.*—In establishing the strategy required by paragraph (1), the President shall consult with relevant stakeholders.

(3) *ELEMENTS.*—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(C) be implemented not later than one year after the date of the enactment of this Act.

(c) *REPORT.*—Not later than three years after the date of the enactment of this Act, the President shall submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) *COORDINATION.*—Assistance authorized under subsection (a) shall be integrated with existing United States programs for advancing appropriate age and grade-level basic and secondary education through adolescence, ensure school enrollment and completion for girls, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of the Senate that the President and all relevant agencies should work through the Administrator of the United States Agency for International Development and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

Mr. DURBIN. Mr. President, today, with the passage of the International Protecting Girls by Preventing Child Marriage Act, the Senate takes a step toward ending child marriage.

Child marriage is often carried out through force or coercion. It deprives

young girls, and sometimes boys, of their dignity and human rights. And it poses grave health risks. In some countries, it is not uncommon for girls as young as 7 or 8 years old to be married.

Child marriage also undermines U.S. foreign assistance to developing countries. We invest in education and skills-building for girls, improving maternal and child health, ending the transmission of HIV/AIDS, preventing gender-based violence, and reducing poverty. But where the girls targeted for assistance are married, these development strategies only go so far.

UNICEF estimates that 60 million girls in developing countries now ages 20 to 24 were married under the age of 18. The Population Council estimates that the number will increase by 100 million over the next decade if trends continue.

The International Protecting Girls by Preventing Child Marriage Act seeks to reverse those trends. Thanks to Senator OLYMPIA SNOWE and 41 other cosponsors from both sides of the aisle, the leadership of Senators JOHN KERRY and RICHARD LUGAR on the Foreign Relations Committee, and Representatives BETTY MCCOLLUM and ANDER CRENSHAW in the House for supporting the legislation to make ending child marriage a priority in foreign affairs.

I would also like to thank The Elders, a group of world leaders including Nelson Mandela, Desmond Tutu, and President Jimmy Carter, who work together to address major causes of human suffering around the globe. Their help and persistence on the legislation have been invaluable.

The human rights community has rightly identified the practice of child marriage as a major concern that treats young girls as property and traps them in a life of servitude. It denies girls educational and economic opportunities, sustaining a cycle of poverty in some of the world's poorest countries.

Many child brides live their lives in crushing hopelessness. Some are driven to attempt suicide to escape their misery.

A recent New York Times article entitled, “For Afghan Wives, a Desperate, Fiery Way Out,” shared the story of Farzana, engaged at 8 and married by 12. By the age of 17, she had endured years of verbal and physical abuse from her husband and his family.

She thought of ways to get out. She thought of running away but worried it would offend her family's sense of honor.

Finally, seeing no other way out and desperate, Farzana doused herself in cooking fuel and lit herself on fire.

Before this hell, Farzana had dreamed of becoming a teacher. Now, after 57 days in the hospital and multiple skin grafts, she has recovered from burns that covered more than half of her body.

Today she says, “Five years I spent in his house with those people. My

marriage was for other people. They should never have given me in a child marriage." Unfortunately, in many parts of the world, stories like these are common. Except, unlike Farzana, many succeed in killing themselves. Young girls in the developing world should not be made to face the choice between life as a child bride without hope or dying at their own hands to escape their torment.

In addition to denying tens of millions of women and girls their dignity, child marriage also endangers their health. Marriage at an early age puts girls at greater risk of dying as a result of childbirth. Pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries. Their children also face higher mortality rates.

In September 2009, a highly publicized example of this occurred in Yemen. A 12-year-old girl died of severe bleeding after three agonizing days in labor. Her child died as well. She was married to a 24-year old man. Child brides are also at an increased risk of contracting a sexually transmitted disease, including HIV and AIDS.

The bill we passed today would require our government to develop an integrated, strategic approach to combating child marriage with the goal of eliminating this scourge worldwide. It authorizes assistance to prevent child marriage in developing countries and to promote the educational, health, economic, social and legal empowerment of girls and women. It would require priority for regions in developing countries with a high prevalence of child marriage.

The bill also would require the Federal Government to do a better job of tracking child marriage prevalence overseas.

In the Senate today, we take a big step toward helping children we will never meet in places we will never visit. There are some issues we must look at through the shared experience of humanity. Ensuring that children throughout the world do not have their childhoods robbed of them is one such issue.

The United States has always tried to be a leader in international human rights. By passing this bill, the Senate shows its determination to keep the United States at the forefront of human rights protection around the world.

I urge my colleagues in the House to work with Representatives MCCOLLUM and CRENSHAW and House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN and Speaker PELOSI to do the same.

Mr. WHITEHOUSE. I ask unanimous consent that the Durbin amendment be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4725) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 987), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following Federal naming bills, Calendar Nos. 658 through 661: H.R. 4387, H.R. 5651, H.R. 5706, and H.R. 5773.

There being no objection, the Senate proceeded to consider the bills.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

WINSTON E. ARNOW FEDERAL BUILDING

The bill (H.R. 4387) to designate the Federal Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building," was ordered to a third reading, read the third time, and passed.

ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 5651) to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse," was ordered to a third reading, read the third time, and passed.

FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING

The bill (H.R. 5706) to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building," was ordered to a third reading, read the third time, and passed.

ROBERT M. BALL FEDERAL BUILDING

The bill (H.R. 5773) to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Secu-

rity Administration Operations Building, as the "Robert M. Ball Federal Building," was ordered to a third reading, read the third time, and passed.

WREATHS ACROSS AMERICA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 686.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 686) designating December 11, 2010, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, in honor of the hard work and generosity of all those involved in the Wreaths Across America project, U.S. Senators OLYMPIA J. SNOWE and I have submitted a resolution in the Senate that would designate Saturday, December 11, as "Wreaths Across America Day."

On Saturday, December 11, a convoy of Mainers will arrive at Arlington National Cemetery to honor our Nation's fallen heroes. At each of the thousands of gravesites at our country's most hallowed resting place, citizens from Maine will lay Maine-made balsam wreaths at each gravesite that identifies one of our Nation's fallen veterans. Joining them will be the Patriot Guard Riders, an organization made up of men and women who have volunteered a portion of their lives to consecrating the sacrifice of the service men and women who gave their all for our country. Together, they will continue their tradition of escorting and driving tractor-trailers filled with donated wreaths on the journey from Harrington, ME, to Arlington National Cemetery. This is the 19th consecutive year that Morrill Worcester, owner of Worcester Wreath Company in Harrington, has made this generous donation. And once again, more than 100,000 wreaths will be placed in more than 400 locations, including Arlington National Cemetery and at veterans cemeteries in America and abroad.

The holiday season is one that many Americans enjoy by spending time in the comfort and company of their family and close friends. Many families who have lost loved ones serving their country will not share the same comfort and joy during this holiday season. The men and women behind the Wreaths Across America project work hard to honor these families and their lost love ones. Our resolution is a modest way for the U.S. Senate to honor these men and women, as well as the veterans and families who sacrifice so much in order to make it possible for us to celebrate this holiday season in freedom.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be

agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 686) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 686

Whereas 19 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2009, wreaths were sent to over 400 locations across the United States, 100 more locations than the previous year, and 24 sites overseas;

Whereas in December 2010, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 200,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 12, 2009, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 11, 2010, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 11, 2010, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

ORDERS FOR THURSDAY, DECEMBER 2, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Finally, I ask that the Senate recess from 12:30 until 3:30 p.m. for the Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Thursday, December 2, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

BERNICE BOUIE DONALD, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RONALD LEE GILMAN, RETIRED.

ARENDA L. WRIGHT ALLEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE JEROME B. FRIEDMAN, RETIRED.

MICHAEL FRANCIS URBANSKI, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE NORMAN K. MOON, RETIRED.

CLAIRE C. CECCHI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH A. GREENAWAY, ELEVATED.

ESTHER SALAS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE KATHARINE SWEENEY HAYDEN, RETIRED.

MARK RAYMOND HORNAK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONETTA W. AMBROSE, RETIRED.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES M. MUNLEY, RETIRED.

JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CHARLES A. SHAW, RETIRED.

DEPARTMENT OF JUSTICE

CHRISTOPHER R. THYER, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE HARRY E. CUMMINS, III, RESIGNED.