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

ORDER OF BUSINESS

Mr. DURBIN. Madam President, can the Acting President pro tempore notify me in what stage we are in the proceedings?

The ACTING PRESIDENT pro tempore. There is 28½ minutes left for the majority in morning business, followed by 30 minutes for the minority in morning business.

Mr. DURBIN. Thank you, Madam President.

NOMINATION OF CAITLIN HALLIGAN

Mr. DURBIN. Madam President, I would like to speak in morning business, and I would like to respond to several things said by the Republican leader of the Senate. The first relates to Caitlin Halligan, who is a nominee to serve on the DC Circuit Court. The DC Circuit Court is the appellate court in the District of Columbia which, I would argue, next to the U.S. Supreme Court is one of our most important.

The decisions of government are often sent to this court for review. At the current time, there are eight who are sitting on that court, and there are three vacancies. Of the eight who are on the court, five are Republican appointments. So it is clear that any effort now to bring a new nominee to the court may tip that political balance. I am afraid that has a lot more to do with the fate of Caitlin Halligan than anything that has been said on the Senate floor this morning.

It is mystifying to me that Senate Republicans would filibuster her nomination. She is extraordinarily well qualified. She served for 7 years as the solicitor general of the State of New York and currently serves as the general counsel at the New York County district attorney's office.

She has argued five cases before the U.S. Supreme Court and has served as counsel of record in dozens of other cases before that Court.

The American Bar Association looked at the qualifications of Caitlin Halligan, and here is what they said: She is unanimously ''well-qualified'' to serve in this position.

Ms. Halligan's legal views are well within the judicial mainstream. She has received widespread support from across the political spectrum.

What I have heard this morning from the Republican leader are isolated examples of cases she may have argued, but he certainly does not speak to the fact that the National District Attorneys Association, the district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, William Fitzpatrick, James Reams, and Scott Burns have all publicly endorsed her nomination. Raymond Kelly, police commissioner for the City of New York; Robert Morgenthau—one of the most respected district attorneys who ever served in this country; served New York County for 34 years—endorses her; the New York Association of Chiefs of Police; and the New York State Sheriff's Association.

When you listen to these endorsements, you wonder: Is that the same woman the Senate Republican leader just questioned as to whether she was serious about stopping terrorism? I listened to some of these things, and I wonder how people of her quality would ever consider putting their name in nomination—that there could be suggestions on the Senate floor that perhaps she is not as strong as she should be in keeping America safe.

There is simply nothing in the background of Caitlin Halligan that suggests we have any extraordinary circumstances that warrant the defeat of the cloture motion on her nomination.

A moment in history, please. When there was a suggestion of filibustering judicial nominations years ago, and the so-called nuclear option was being discussed, a Gang of 14, a bipartisan group of Senators, came up and said: Unless there are extraordinary circumstances, we should vote on these nominees on the Senate floor.

There are no extraordinary circumstances in the case of Caitlin Halligan. The only thing that is extraordinary is how many people from different walks of life have endorsed her candidacy and the American Bar Association finding her unanimously ''well-qualified.''

There are no legitimate questions about her competence, ethics, temperament, or ideology. All she has done throughout her career is serve as an excellent lawyer on behalf of her client.

The Republican arguments against Ms. Halligan's nomination boil down to just two: First, it does not matter if there are vacancies on the DC Circuit; and, in fact, in the past, they have argued to fill those same vacancies when they had an opportunity to install Republicans. Their second argument: Republicans are not happy with how certain nominees were treated years ago, and they see no problem taking out their unhappiness on this nominee.

This is a dangerous path. I believe our country needs excellent judges. Time and again—in the Acting President pro tempore's State of New Hampshire, in my State of Illinois—you go to people who are sitting on the bench in a State court or in private practice and ask them if they would consider serving their Nation on the Federal court, and they know it is a big decision: whether they are going to change a career. But they know just as well that by submitting their name to the process, they are subjecting themselves to criticism, which many people just do not care to withstand.

In this case, the criticism against Caitlin Halligan is baseless. If judicial nominees cannot be considered fairly by the Senate on their own merits, good lawyers are simply going to stop putting their name into the process for consideration and our country will suffer as a result.

We should give Ms. Halligan an up-or-down vote on her merits. On that standard, she should clearly be confirmed.

TRIBUTE TO JOAQUIN LUNA

Mr. DURBIN. Madam President, I come to the floor today with a sad story for my colleagues. On the day after Thanksgiving, a young man named Joaquin Luna committed suicide in the town of Mission, TX. This is a picture of Joaquin Luna with his mother—a handsome young man full of promise. He took his own life on the day after Thanksgiving.

He was a senior at Juarez-Lincoln High School, where he was a straight-A student, in Mission, TX. He had a passion for architecture. In fact, he designed the home where his family lives. He was an accomplished musician, played guitar in his church choir. His family said he loved helping his neighbors with their landscaping, and he always had a smile on his face.

Joaquin Luna dreamed of becoming an engineer. He had been accepted into a number of excellent schools, including Rice University and Texas A&M. But Joaquin Luna was struggling with a problem most American kids do not even imagine. Joaquin was brought to the United States of America when he was 6 months old by his parents. He came here as a baby, lived his entire life in the United States, and was undocumented. Because of his immigration status, Joaquin Luna was unable to obtain financial aid to attend the universities that accepted him. He was unable to find a legitimate job. Joaquin's brother said his world just closed. He saw that everything he was doing was for nothing. He was never going to be able to succeed.

Joaquin's death is still under investigation, so I do not want to jump to any conclusions about why this tragedy took place. But I felt it was important to come to the floor today to pay tribute to this young man's all-too-brief life and to deliver a message to other young people like Joaquin Luna.

There are tens of thousands of young people in this country facing the same challenges as Joaquin. They were brought to the United States as children. They grew up every single day—just as we did a few moments ago in the Senate—pledging allegiance to the only flag they have ever known, our American flag. They would sing the only national anthem they ever knew. It was not their decision to come to America. Certainly Joaquin did not make any decision at the age of 6 months. But America is their home. And for tens of thousands of others in his status, America is their home and their future, but they are undocumented and their future is uncertain.

I have a message today for all of the young people like Joaquin. Do not give up hope. Keep your dreams alive.

America is a generous and caring country. We can and we will find a way—a fair and just way—to give you a chance to be part of our Nation's future. If you or someone you know is feeling hopeless because of the failure of the DREAM Act to pass in the Senate, there are people available to help and talk to you. You can call the National Suicide Prevention Lifeline. The number is 1–800–273–TALK. That is 1–800–273–8255.

Today, my thoughts and prayers are with Joaquin Luna's family. I send them my sympathy and condolences and assure them I will honor his memory by continuing to fight for all of the young people in America who are just like Joaquin.

I never dreamed 10 years ago when I introduced the DREAM Act that I would be standing on this floor 10 years later with that bill still not enacted into law. Time and again, we have had a majority vote in the Senate stopped by a Republican filibuster. Time and again, we have brought this issue to the floor and argued the cases of young people just like Joaquin Luna. We are only asking that they be given a chance to earn their way to legal status. That is it. They have to graduate high school. They cannot have any serious criminal issues. They have to be willing to either serve 2 years in the military or graduate from college. Those requirements say that they have to be people who are determined to make America a better place.

We just had a debate going on now about bringing in talented people from all over the world to work in the United States. Think about that. We are going to bend the immigration laws so that more talented graduates from other countries can come to our country and help build it into a better nation, creating more jobs and opportunity. At the same time as that is being proposed, we are saying to tens of thousands like Joaquin Luna: There is no place for you in America because your parents brought you here when you were a child, and therefore you are forever banished from being part of America's future. That is a cruel outcome and one we should not accept as Americans. This is a great and caring nation. It is a nation of immigrants.

Madam President, 100 years ago, in 1911, a ship arrived in Baltimore, MD. A woman walked down the stairs, two little children by her side and a baby in her arms. She did not speak a word of English. She came from Lithuania. She was bringing her children to America and trying to find out how to get from Baltimore, MD, to East St. Louis, IL, where my grandfather lived. He was there waiting for her, had a job and a place they could call home. I do not know how she possibly made it, but she did. That baby in her arms, that 2-year-old infant, was my mother. I am a first-generation American. I have the honor of serving in this Senate. I do not know if my mom was legal or not legal. Later in life, after she was married and had two children, she became a naturalized citizen. Upstairs in my office, her naturalization certificate is right behind my desk as a reminder about who I am.

That is my story. That is the story of many families in America. It is the story of America. If we cannot open our arms and our hearts to those who will come here and work hard to make this a stronger nation, we will have lost one of the core elements of America's strength and America's future. We are great in our diversity. We are great in the fact that so many people are willing to work hard to come to this Nation and make it a better place to live.

Sadly, Joaquin Luna will not be part of America's future, but I hope his story will inspire others to step up and speak up for those who are promoting the DREAM Act. I want to bring this to the floor again. I want to pass it. I want to make sure that the hopelessness and despair that many young people feel is replaced by the hopeful belief that if they continue to work hard in their lives and continue to be dedicated to America, they can make this a better and stronger nation.

In honor and memory of Joaquin Luna, I ask my colleagues to reconsider their position and join us in passing the DREAM Act.

EXTENDING THE PAYROLL TAX DEDUCTION

Mr. DURBIN. Madam President, there was a question raised this morning by the Republican leader about where we stand in the closing 2 weeks before the holiday recess. We have a lot of important issues left. One of the most important is the payroll tax cut. Here is what it means. If you have a job in Illinois, an average job in Illinois that pays about $50,000 a year, currently you have a break on your payroll taxes that are collected of about 2 percent. So what that means for those families is that they have an additional $100 a month to spend.

For some Members of the Senate and the House of Representatives, $100 a month might not make much of a difference, but for a lot of families struggling from paycheck to paycheck, $100 can make a big difference. When gasoline prices go through the roof, you can fill the gas tank in your car or pickup truck and make it to work. You might have a little extra money left for a utility bill when the natural gas prices and oil prices go up during the course of a cold winter. You might be able to afford some Christmas gifts for your kids, maybe even some clothes for them to go to school, a warm jacket for cold weather. So $125 dollars is important.

If we do not act, and act before we leave at Christmas, as of January 1 that payroll tax will go up 2 percent on working Americans, and they will have less money to spend. As they spend less money, our economy struggles. When they buy things, goods and services, it creates more economic activity in businesses small and large and creates profitability and jobs—job opportunities we desperately need with our high unemployment.

Now, we have taken a position with Senator BOB CASEY's bill here when it comes to the payroll tax cut that it is not unreasonable to ask that the wealthiest people in America, the top 0.2 percent in America, pay a little bit more in taxes so that we do not add to our deficit with this payroll tax cut.

There were times in the past, as the President noted yesterday, when the Republicans actually argued: You never have to pay for a payroll tax cut or a tax cut. Now they have taken a different position—it has to be paid for. Well, we do pay for it. We pay for it with a surtax on millionaires. Unfortunately, some Republicans opposed that.

Senator KYL said yesterday on the floor, in a statement relative to an exchange we had, that it is hard to say the rich are not paying taxes. I am not arguing that point. They are paying taxes. But, frankly, under our system of government, with a progressive tax system, those who are well off—Members of Congress and the Senate—those with high salaries should pay more than those who are struggling from paycheck to paycheck.

The people we are talking about, the top 1 percent wage earners in America, will have an average annual income in 2013 of $1.4 million a year—$1.4 million a year. By my calculation, that is a paycheck of $28,000 a week. To say that those people cannot afford to pay a little more in taxes is hard for most families to understand—it is hard for me to understand. The Bush tax cuts, incidentally, which the Republicans support making permanent have been very generous to those people. If the Bush tax cuts for the wealthiest Americans are extended, those in the top 1 percent, making more than $1.4 million a year, are going to see a tax cut in the year 2013 of $68,000—a tax cut at a time when we have Federal deficits and needs in our country to get beyond this recession.

These people in the top 1 percent control almost 25 percent of the income in America—1 percent of the population, more than 25 percent of the income. That is up from 12 percent just 25 years ago. They control 40 percent of all of the wealth in the United States. They are comfortable. In 1986, they only controlled 33 percent. In fact, we can say that in the last 25 years, the wealthy in America have become even more comfortable, and to ask them to make even a small sacrifice for the good of this Nation is not unreasonable.

Senator MCCONNELL came to the floor and suggested that what we are dealing with on the floor here is political showmanship. Well, last week we went beyond showmanship and we actually called a vote. We had a proposal—Senator CASEY's proposal—to reinstitute this payroll tax cut and pay