

that would be irresponsible. I think everyone recognizes that.

I know there are those in the minority who argue that the best thing to do is stop the pensions bill and then to try to put the tax extenders on it. But that would put the retirement future of millions at risk, and that is unacceptable. Others in the minority are arguing that they can return to conference on pensions to haggle further on pensions and change this or that or to talk about the taxes. I didn't know exactly what we would do if we went back to conference with that; arguments such as where is the best place to have a clam bake. For the record, I would like to have my clam bakes in New Hampshire. Going back to the conference means waiting until at least September, and that type of "kick the can down the road" mentality won't work. It is what happens too much around here—another hearing, another negotiation, another delay. That is going to have to stop, and the Senate must clear the pensions bill clean so the President can sign it this month. We will act on pensions. We will get it done without amendment.

Senators are elected to debate, yes, but also to decide and to vote and to act. So we will also vote this week on whether to stop a filibuster on what I referred to as the trifecta bill. I don't want anybody to be mistaken. If the Senate kills the trifecta bill, we will not return to it this year. That means we would have no permanent death tax reform, no tax policy extenders, and no minimum wage increase. It is now or never. It is this week. Members need to understand that, especially Members who think we can delay and put off and try to divide. We will be addressing it this week. That is why it will be a very important vote on Friday. There are not going to be second chances. There are not going to be last-minute side deals or new unanimous consent agreements or other motions to proceed—nothing. This is going to be it.

The House has acted on a bipartisan basis to pass this bill, and now we have to decide as a body on whether to act as well. We will make that decision this week. It will be decided in that vote on Friday.

In the Senate, we have a bipartisan majority that supports fixing the death tax—a permanent solution for the death tax, fixing it forever.

We have a bipartisan majority that supports the tax policy extenders. We have a bipartisan majority that supports handling the minimum wage. Now let us see that bipartisan majority stand up, express themselves, and act this week. It is our time to choose.

Let's pass pensions without amendment, but stop the filibuster on the trifecta bill. Nothing more and nothing less will honor the heritage of the Senate which has been handed to us by those before us and those who will one day hold our seats. More importantly, acting now will resolve retirement security for millions of Americans. It

will help those take that first step on the lowest rung of the economic ladder. It will keep tax policy focused on growing our economy and creating new jobs. And it will finally bring fairness to that wrongful tax on death.

It is going to be a very important week with the vote we will have this afternoon. It started with the vote yesterday. I believe it will be a very productive week for all of us on the Senate floor addressing concerns, both economic concerns as well as other concerns, that the American people feel in their everyday lives.

Before closing, there is an issue that we finished with last week on the floor of the Senate but which we have not fully addressed until we get this bill to conference, so that we can join the child custody bill we passed last week, so that we have expressed the will of the floor of the Senate, and so we can address in conference marrying our bill to the House bill so this important bill will become the law of the land.

We attempted to go to conference last week. There was objection on the other side of the aisle.

UNANIMOUS-CONSENT REQUEST—H.R. 748

At this point, I once again ask unanimous consent that the Senate immediately proceed to consideration of H.R. 748; provided that all after the enacting clause be stricken and the text of S. 403, as amended, be inserted in lieu thereof; the bill then be read a third time and passed, and the Senate then insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees with the ratio of 7 to 5.

Mr. DURBIN. Mr. President, reserving the right to object, on behalf of several Senators on this side of the aisle, I might say the bill that was brought to the floor is a bill which is fatally flawed. It is a bill which would have allowed a parent who was guilty of a crime against his child, a parent guilty of incest, would have been allowed to file a lawsuit against someone trying to help the victim of his crimes. Fortunately, an amendment was considered and unanimously passed here which addressed this fatal flaw in this bill. There are several on this side of the aisle who are working to receive an assurance from the Republican leader that this matter will not go forward in conference until this fatal flaw is removed in the bill. And until that agreement is reached, I believe—and others do, too—that it would be a terrible injustice for us to consider a bill which would allow this circumstance to continue. And until that agreement is reached, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. FRIST. Mr. President, let me point out on this objection we heard that this bill did pass this body last week by a vote of 65 to 34. It has the overwhelming support of the American people. Over 80 percent of Americans clearly support this bill. It passed with strong bipartisan support in the House

of Representatives in I guess April of last year. So now is the time with the House having expressed its will for the Senate to express its will to go to conference, and then we can work out the disagreements that have been expressed between the two. Now is not the time to go back. It is a modest piece of legislation, very balanced, and it simply prohibits transporting a minor child across State lines for an abortion to get around a State law requiring parental notification or consent of that child for that child's abortion. It does not change any State law or policy but helps ensure that those State laws are honored.

I am deeply disappointed that the Democrats are objecting to what would be the normal course of events in taking this bill to conference.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader.

LEGISLATIVE AGENDA

Mr. REID. Mr. President, my friend, the distinguished majority leader, has laid out a program for the Senate to follow this week. As outlined by my friend, it is Alice in Wonderland. He talks about Congress and the Senate being a deliberative body, as well as it should be, and it has not been in recent years because of the Republicans' desire to do as little as possible.

Take, for example, my friend's statement about pensions. Last Friday, conference was agreed upon—working for months and months to come up with an agreement that affects 45 million Americans. It is so important. We talked a lot about the airlines. That is important to the airlines, but a lot of other companies also benefit from this.

The conference was agreed to. The Democrats and Republicans were ready to sign. I wasn't there. I don't know who walked in, whether it was the Senator from Tennessee or the chairman of the Ways and Means Committee, but someone said, no, we are not going to agree to the conference. Even though you have agreed on it, we are stripping all the extenders from this. The conference, in effect, is over.

Now to come to the Senate and say it is a take-it-or-leave-it deal is a little hard to comprehend. We have a free-standing bill. If we want to be the Senate, as we are supposed to be, it is subject to amendment. A conference report is not. The pension thing was all worked out until the Republican majority decided they had to get back to the road to legislative heaven, and the only road to legislative heaven in this Republican-dominated Congress is to repeal the estate tax. So the conference report affecting 45 million people was thrown in the garbage to take care of 81 people, the richest people in America. That is what this is all about.