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Senate

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

PRAYER

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

Let us pray.

O God, who has blessed us abundantly with inner joy and an outer supply of all good things, we are grateful for Your helping us in our poor attempts to do Your will. Lord, forgive the things that keep us divided, the false pride that leads from unity. Give us a yearning for a life shaped and supported by a will better than our own.

Guide our Senators during today's labors. Help them know the strengthening joys of Your spirit. Keep them from being intimidated by the world's problems and threats, because You have overcome the world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Madam President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.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 MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans will control the second half.

ORDER OF PROCEDURE

I ask unanimous consent that the order be changed to allow both sides a half an hour.

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

Mr. REID. Following morning business, the Senate will be in executive session to consider the nomination of Caitlin Halligan to be a judge for the District of Columbia Circuit. At noon there will be a cloture vote. I want to make sure that the consent I asked doesn't change that at all. There will be a little less time to debate that, but I think it will be sufficient. So at noon there will be a cloture vote on Halligan.

Following the vote, the Senate will recess until 2:15 this afternoon to allow for our weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—S. 1944

Mr. REID. I understand that S. 1944 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1944) to create jobs by providing payroll tax relief for middle-class families and businesses, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this legislation.

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

RECOGNITION OF THE MINORITY LEADER

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

PAYROLL TAX EXTENSION

Mr. MCCONNELL. Madam President, yesterday my friend the majority leader unveiled what he rather misleadingly referred to as a compromise on the payroll tax. I say it was misleading because we had to find out about it from reporters.

This was not a compromise. This was nothing more than another bill designed to fail so Democrats can have another week of fun and games on the Senate floor while tens of millions of working Americans go another week wondering whether they are going to see a smaller paycheck at the end of the year.

I have said I support this extension. I don't think working Americans should

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

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have to suffer any more than they already are for the President's failure to turn this jobs crisis around. Unfortunately, the majority leader has yet to introduce legislation that can actually pass the Senate or the House. One would think if that is one of the President's top priorities, then the Democratic leader of the Senate would put together a proposal that is designed to actually pass. But we haven't seen it yet. We all know what a successful bill would look like. So I hope the majority leader comes forward with a real proposal soon because time is running out. It makes absolutely no sense at a moment when 14 million Americans are looking for jobs to raise taxes on the very people we are counting on to create them. That is why the Senate rejected the idea last week on a bipartisan basis.

Look, the Democrats know as well as we do that this is a terrible idea. They have seen the same letters I have. The National Association of Manufacturers says this tax hike would seriously impair the ability of their members to put unemployed Americans back to work. The Democrats know as well as I do that four out of five of those who would be hit by this are business owners, people who create jobs. The only reason—the only reason—we even went through this exercise is because it obviously polls well.

So this is what Washington has been reduced to: a President and a Senate who would rather spend their time doing cheap political theater than giving people the certainty they want. What we need to do is to step back and realize that the only reason we are talking about a one-shot stimulus measure nearly 3 years into this Presidency is because of the President's failure to turn this jobs crisis around. We need to get beyond the temporary fixes and start talking about fundamental tax reform that puts the American worker in charge of this recovery, not Washington.

But for now, it is perfectly clear that the path to an accomplishment on this issue does not run through tax hikes. Yesterday, the President warned Congress to keep its word to the American people and ''don't raise taxes on them now.'' I wish to remind my colleagues and the President that the Republican plan is the only plan that meets the President's standard. The President just warned us: Don't raise taxes on the American people. The proposal we offer is the only one that meets that standard.

If our friends are serious about passing this extension of the payroll tax cut, they have a choice: We can have an accomplishment or we can have additional partisan show votes.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. McCONNELL. Madam President, later this week the Senate will vote on whether the new Consumer Financial Protection Bureau should move forward with a director before addressing concerns that have been raised about the bureau's lack of transparency or accountability to the American people.

I understand through press reports that the President plans to make a big push for this nominee to the CFPB. Let me tell my colleagues something the President hasn't done when it comes to this position: In the 7 months since 44 Republicans sent the President a letter outlining some very serious and very reasonable concerns about it, he hasn't done a thing to address these concerns—not one thing. If he picked up the phone to talk these issues over with anybody in our conference, I haven't heard about it. If he has put some thought into how he could ensure the perfectly legitimate concerns we raised in that letter are addressed, he hasn't let us in on the game plan.

Here is what we asked for in that letter, which has now been signed by 45 Republican Senators—not 44, 45: All we asked for before we vote to confirm anybody to run the CFPB—regardless of their party affiliation, regardless of who the President is—are three clear, simple, commonsense reforms that would make sure this new agency is accountable to the American people.

No. 1, replace the single director with a board of directors that would oversee the bureau. Under the deeply flawed Dodd-Frank bill, the Director of the CFPB, by design, is set to lead one of the least accountable and most powerful agencies in Washington. What we are saying is no single person who is unaccountable to the American people should have that much power. We are asking for the same structure as the SEC, the CFTC, the FDIC, the FTC, the NLRB, and the Consumer Product Safety Commission—the same structure we use anytime we give unelected bureaucrats new powers that need to be checked to protect against abuse.

No. 2, subject the bureau to the congressional appropriations process. Subject this new CFPB to the congressional appropriations process. Currently, the CFPB is housed at the Federal Reserve and funded through a percentage of their annual budget, giving it a funding stream that is completely unique in government, entirely without a check from the American people and making it one of the least transparent agencies in Washington. If one likes the level of accountability over at the Fed, one will love the CFPB.

A journalist who wanted some information about the Fed's lending practices recently had to sue to find it out. This is information not even Congress could have gotten on its own.

If my colleagues ask me, the American people should be getting more transparency out of this administration, not less. We don't need any more unelected, unaccountable czars in Washington.

No. 3, we asked for a safety and soundness check for the prudential financial regulators who oversee the safety and soundness of financial institutions. This would help ensure that we are not inadvertently causing bank failures through excessive regulations.

Our proposal would do nothing more than give congressional committees a proper level of oversight and accountability over this new bureau and ensure that its decisions were subject to the checks and balances that were meant to be inherent in our system—something we owe the American people.

Everybody supports strong and effective consumer protection, but the CFPB, in its current form, cannot stand. In its current form, the CFPB could easily be used for political purposes at the expense of access to credit, job creation, economic growth, and financial stability.

What is needed is transparency and accountability. That is all we have asked for, and the President has done nothing to address these concerns. Instead, he has ignored these perfectly legitimate concerns, and now he is suddenly making a push to confirm his nominee because it fits into some picture he wants to paint about who the good guys and the bad guys are in Washington.

So once again he has used the Senate floor this week to stage a little political theater. He is setting up a vote he knows will fail so he can show up afterward and say he is shocked. This is what passes for leadership right now in the White House, and it is truly unfortunate.

Look, we all believe Americans need access to financial products that are not rigged against them. We just think nobody should be above oversight, including the overseers. We do not think a bureau designed to watch Wall Street should have the ability to squeeze out hiring on Main Street. Frankly, the President's refusal to even consider our calls for oversight and transparency only serve to deepen our concerns about this agency. So, once again, we call on the President to take these concerns seriously and work with us on achieving something positive.

The fact is the CFPB needs a drastic overhaul before any nominee can be confirmed. This will not come as a surprise to anybody at the White House, and our doors remain open.

NOMINATION OF CAITLIN HALLIGAN

Mr. McCONNELL. Now, Madam President, on yet another topic—there are a number of things going on this week—today the Senate will vote on the nomination of Caitlin Halligan to the U.S. Court of Appeals for the DC Circuit. I will be opposing this nominee, and I would like to explain why.

First and foremost is Ms. Halligan's record of advocacy for an activist view of the judiciary and a legal career that leads any reasonable person to conclude that she would bring that activism right on to the court. As I have said many times before, the proper role

of a judge is that of an impartial arbiter who gives everybody a fair shake under the law as it exists. The role of a judge in our system, in other words, is to determine what the law says not what they or anybody else wants it to say. Yet looking over Ms. Halligan's record, it is pretty clear she does not share that view.

In Ms. Halligan's view, the courts are not so much a forum for the evenhanded application of the law as a place where a judge can work out his or her own idea of what society should look like. As she herself once put it: The courts are a means to achieve ''social progress,'' with judges presumably writing the script.

Well, my own view is that if the American people want to change the law, then they have elected representatives to do that, and these elected representatives are accountable to them. This also happens to be how the Founders intended it, and it is what the American people expect of their judges: to be fair, impartial arbiters. But that is not what they would get from a Judge Halligan.

So how do we know this? Well, it is true that like many of this President's other judicial nominees, Ms. Halligan repudiated President Obama's own offstated ''empathy standard'' for choosing judges and disclaimed an activist bent in her confirmation hearings. But her record belies this now familiar confirmation conversion.

Let's take a quick look at her record to see what it does suggest about the kind of judge she would be.

On the second amendment: As solicitor general of New York, Ms. Halligan advanced the dubious legal theory that those who make firearms should be liable for third parties who misuse them criminally. The State court in New York rejected the theory, noting it had never recognized such a novel claim. Moreover, the court called what Ms. Halligan wanted it to do to manufacturers of a legal product ''legally inappropriate.''

So let me say again, the New York Appellate Court termed Ms. Halligan's activist and novel legal theory to be ''legally inappropriate.'' The Congress passed legislation on a wide bipartisan basis to stop these sorts of lawsuits because they were an abuse of the legal process. Undeterred, Ms. Halligan then chose to file an amicus brief in the Second Circuit Court of Appeals in another frivolous case against firearms manufacturers. Not surprisingly, she lost that case too.

What about her views on enemy combatants?

In 2005, the U.S. Supreme Court ruled in Hamdi v. Rumsfeld that the President has the legal authority to detain as enemy combatants individuals who are associated with al-Qaida. Yet despite this ruling, Ms. Halligan filed an amicus brief years later—years after that—arguing that the President did not possess this legal authority.

On abortion: Ms. Halligan filed an amicus brief in the U.S. Supreme Court arguing that pro-life protesters—protesters—had engaged in ''extortion'' within the meaning of Federal law. The Supreme Court roundly rejected this theory 8 to 1.

On immigration: Ms. Halligan chose to file an amicus brief in the Supreme Court arguing that the National Labor Relations Board should have the legal authority to grant backpay to illegal aliens even though Federal law prohibits illegal aliens from working in the United States in the first place. Fortunately, the Court sided with the law and disagreed with Ms. Halligan on that legal theory too.

The point is that even in cases where the law is perfectly clear or the courts have already spoken, including the Supreme Court, Ms. Halligan chose to get involved anyway, using arguments that had already been rejected either by the courts, the legislature or, in the case of frivolous claims against gun manufacturers, by both. In other words, Ms. Halligan has time and time again sought to push her own views over and above those of the courts or those of the people as reflected in the law.

Ms. Halligan's record strongly suggests that she would not view a seat on the U.S. appeals court as an opportunity to evenhandedly adjudicate disputes between parties based on the law but instead as an opportunity to put her thumb on the scale in favor of whatever individual or group cause in which she happens to believe.

So, Madam President, we should not be putting these kinds of activists on the bench. I have nothing against the nominee personally. I just believe, as I think most Americans do, that we should be putting people on the bench who are committed to an evenhanded interpretation of the law so everyone who walks into a courtroom knows he or she will have a fair shake. In my view, Ms. Halligan is not such a nominee. On the contrary, based on her record and her past statements, I think she would use the court to put her activist judicial philosophy into practice, and for that reason alone she should not be confirmed. So I will be voting against cloture on this nomination, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, would the Chair announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

EXECUTIVE SESSION

NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 413, and I send a cloture motion to the desk. In fact, it is at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection:

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Jack Reed, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Richard J. Durbin, Robert Menendez, Jon Tester, Sherrod Brown, Tom Harkin, Tim Johnson.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. Madam President, I now ask unanimous consent that the Senate resume legislative session.

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

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam 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.

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

for it, as I mentioned, with a surtax on the wealthiest people in America. At the end of the day, out of 53 Democratic Senators, 50 voted yes, and 1 Republican Senator joined us. We had 51 votes in favor. It took 60 votes to pass, so it did not prevail.

Then Senator MCCONNELL had his chance. He brought to the floor the Republican alternative. They would extend the payroll tax cut by eliminating jobs—over 200,000 jobs in the Federal Government at a time when, frankly, we need more workers in veterans hospitals and we need more people working on medical research at the National Institutes of Health and we need more involved in law enforcement to keep America safe. But Senator MCCONNELL said that the way to pay any tax cut for working families is to eliminate Federal jobs. They called it for a vote. There are 47 Republican Senators on the floor. So how did the vote turn out when the Republicans called their proposal to extend the payroll tax cut? If I am not mistaken, only 20 Republican Senators voted for that proposal. In fact, Senator MCCONNELL was the only Member of the Senate Republican leadership who voted for the proposal.

So you have to ask, when it comes to the competition of ideas, who won that exchange? The answer is, no one won because at the end of the day we did not extend the payroll tax cut.

Back home in Chicago this last week, I had a press conference with a lady, a single mom, three kids, struggling with three jobs, with an annual income—combined income of less than $25,000 a year. I cannot imagine how she gets by. But she said that $50 more a month—that is what the payroll tax cuts means to her—would be significant—$50. That is how close so many people live to the edge.

It is time for us, in the closing days of the session before Christmas, to reach a bipartisan agreement to make sure the payroll tax cut is extended, to make sure the unemployment benefits that are needed so desperately by so many people out of work are there to help them and their families. The only way we can achieve that is in a bipartisan agreement. We now know that the notion of just cutting away at Federal jobs has been rejected soundly, even by the Republican side of the aisle. Let's come to a reasonable conclusion on how to pay for this in a manner that does not add to unemployment but adds more jobs to the American economy, something which most Americans agree should be our highest priority.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam 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.

NOMINATION OF CAITLIN HALLIGAN

Mr. GRASSLEY. Madam President, soon we will be taking up the nomination of Caitlin Halligan to the DC District Court. I oppose the nomination. This is why the nomination should not be confirmed.

Nominations to the DC Circuit deserve special scrutiny. The Court of Appeals, DC Circuit, hears cases affecting all Americans. This court frequently is the last stop for cases involving Federal statutes and regulations. Many view this court as second in importance only to our Supreme Court.

As we all know, judges who sit on the DC Circuit are frequently considered for the Supreme Court. So there is a lot at stake with any nominee appointed to the DC Circuit.

Ms. Halligan has an activist record. There are additional concerns regarding her judicial philosophy and her approach to interpreting the Constitution.

The second amendment, for instance, in 2003, Ms. Halligan gave a speech where she discussed her role in suing gun manufacturers for criminal acts committed with handguns.

At the time, Congress was debating the Protection of Lawful Commerce in Arms Act or, as most of us called it at the time, the gun liability bill. Those lawsuits, of course, were based on meritless legal theories and were specifically designed to drive gun manufacturers out of business.

As it turns out, while many of us were fighting in Congress to stop these nuisance lawsuits, Ms. Halligan was pursuing this precise type of litigation, based on the same bogus legal theories on behalf of the State of New York.

In New York v. Sturm, Ms. Halligan argued that gun manufacturers contributed to a public nuisance of illegal handguns in the State. Therefore, she argued that gun manufacturers should be liable for criminal conduct of third parties. The New York appellate court, however, explicitly rejected her theory. The court explained that it had ''never recognized [the] common law public nuisance cause of action'' that Ms. Halligan had advanced. Moreover, the court correctly concluded that ''the Legislative and Executive branches are better suited to address the societal problems concerning the already heavily regulated commercial activity at issue.''

While we were debating the gun liability bill, Ms. Halligan delivered a speech where she expressed her strong opposition to that legislation. She opposed it because it would stop the type of lawsuit she was pursuing. She said:

> If enacted, this would nullify lawsuits brought by nearly 30 cities and counties—including one filed by my office—as well as scores of lawsuits brought by individual victims or groups harmed by gun violence. . . . Such an action would likely cut off at the pass any attempt by States to find solutions—through the legal system or their own legislatures—that might reduce gun crime or promote greater responsibility among gun dealers.

Later in that same speech, she expressed her view of the law and legal system. She said:

> Courts are the special friend of liberty. Time and again, we have seen how the dynamics of our rule of law enables enviable social progress and mobility.

This statement is very troubling, especially as it relates to the nuisance lawsuit against gun manufacturers. Those lawsuits are a prime example of how activists on the far left try to use the courts to effect social policy changes they are somehow unable or unwilling to fight to achieve through the ballot box. That is why I believe those lawsuits represent not only bad policy but, more broadly, an activist approach to the law.

I am also concerned about Ms. Halligan's views on the war on terror and the detention of enemy combatants. This is especially troubling because Ms. Halligan is the nominee for the DC Circuit Court, where we know a lot of these issues are often heard.

In 2004, Ms. Halligan was a member of the New York City Bar Association that published a report entitled ''The Indefinite Detention of Enemy Combatants and National Security in the Context of the War on Terror.'' That report argued there were constitutional concerns with the detention of terrorists in military custody. It also argued vigorously against trying enemy combatants in military tribunals. Instead, it argued in favor of trying terrorists in civilian article III courts.

As I said, Ms. Halligan is listed as one of the authors of that report. But when it came to testifying at her hearing, Ms. Halligan tried to distance herself from that report. She testified she did not become aware of the report until 2010. In a followup letter after her hearing, Ms. Halligan did concede ''it is quite possible that [a draft of the report] was sent to me,'' but she could not recall reading the report.

I recognize memories fade over time. But as I assess her testimony, I think it is noteworthy that at least four other members of the committee abstained from the final report. Ms. Halligan did not.

I also point out that she coauthored an amicus brief before the Supreme Court in a 2009 case of Al-Marri v. Spagone. Ms. Halligan's brief in that case took a position similar to the 2004 report with respect to military detention of terrorists. In that case, she argued that the authorization for use of military force law did not authorize the seizure and indefinite military detention of a lawful permanent resident alien who conspired with al-Qaida to execute terror attacks on our country.

The fact that Ms. Halligan coauthored this brief, pro bono, suggests to

me she supported the conclusions reached by the 2004 report. Again, this issue is particularly troublesome for a nominee to the DC Circuit, where, as I have already said, many of these questions are heard.

There are a number of other aspects of her record that concern me. For instance, she authored an informal opinion on behalf of Attorney General Spitzer regarding New York's domestic relations law. That opinion invoked a theory of an evolving Constitution.

As New York's solicitor general, Ms. Halligan was responsible for recommending to the attorney general that the State intervene in several high-profile Supreme Court cases. She filed amicus briefs that consistently took activist positions on controversial issues, such as abortion, affirmative action, immigration, and federalism.

I will give you some instances. In Scheidler v. National Organization for Women, she supported NOW's claim that pro-life groups had engaged in extortion.

In the twin affirmative action cases of Grutter v. Bollinger and Gratz v. Bollinger, she argued that the use of race in college and law school admissions was not only appropriate but constitutional.

In Hoffman Plastics Compounds v. NLRB, she argued that the NLRB should have the authority to grant backpay to illegal aliens, even though Federal law prohibits illegal aliens from working in the United States.

Ms. Halligan represented New York in Massachusetts v. EPA, where a number of States argued that the Clean Air Act authorized and required the EPA to regulate automobile emissions and other greenhouse gases associated with climate change.

These are just some of my many concerns regarding the nominee's judicial philosophy and her approach to constitutional interpretation.

Based on her record, I do not believe she will be able to put aside her long record of liberal advocacy and be a fair and impartial jurist.

Yesterday, before the votes on the judicial nominations we confirmed, I made a few remarks regarding the history of this seat. So I will briefly review again the approach I have been arguing for more than a decade—and I had the support of other Senators—that there are too many seats and it is an underworked circuit. It may come as a surprise to some, but this seat has been vacant for over 6 years. It became vacant in September 2005, when John Roberts was elevated to Chief Justice of our Supreme Court. But it has not been without a nominee for all that time.

In June of 2006, President Bush nominated an eminently qualified individual for this seat, Peter Keisler. Mr. Keisler was widely lauded as a consensus bipartisan nominee. His distinguished record of public service included service as Acting Attorney General. Despite his broad bipartisan support and qualifications, Mr. Keisler waited 918 days for a committee vote that never came.

But Mr. Keisler was not the only one of President Bush's nominees to the DC Circuit to receive a heightened level of scrutiny. In fact, when President Bush was President, his nominees to the DC Circuit did not simply receive heightened scrutiny but were subjected to every conceivable form of obstruction.

Those of us who were here remember these debates very well: Estrada, Roberts, Griffith, Kavanaugh, Keisler, and Brown. All these nominees had difficult and lengthy processes. This included delays, multiple filibusters, multiple hearings, boycotting markups so we would not have a quorum to vote on their confirmation, including even invoking the 2-hour rule during committee markup and other forms of obstruction.

I have not suggested we repeat all the tactics used by the other side employed during the last Republican administration. I do believe, however, it is important to remind my colleagues of the precedents the other side established for nominees to this circuit.

There is one other relevant fact I would like to briefly discuss in connection with this vote; that is, the workload of the DC Circuit. That gets back to what I have already referred to—that it has been underworked compared to other circuits.

When Peter Keisler was nominated to the same seat, my friends on the other side objected to even holding a hearing for the nominee, based upon concerns about the workload of the DC Circuit. So here is something we tend to agree on, which has gone by the wayside now that we have a nominee from the President of the other party for this same seat. During Mr. Keisler's hearing, one of my Democratic colleagues summarized the threshold concerns. He said:

> Here are the questions that just loom out there: 1) Why are we proceeding so fast here? 2) Is there a genuine need to fill this seat? 3) Has the workload of the DC circuit not gone down? 4) Should taxpayers be burdened with the cost of filling that seat? 5) Does it not make sense, given the passion with which arguments were made only a few years ago, to examine these issues before we proceed?

So we have five very important questions that are applicable today from a Member on the other side of the aisle.

I have not heard these same concerns expressed by my friends on the other side with respect to Ms. Halligan's nomination. But that does not mean these issues have gone away.

Statistics from the Administrative Office of the U.S. Courts show that caseloads on the DC Circuit have decreased markedly over the last several years. This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed decreased by over 14 percent between 2005, when there were 1,379 appeals filed, and the year 2010, when only 1,178 appeals were filed.

The workload decline is also demonstrated in the per-panel and per-judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period. Pending appeals per panel dropped over 9 percent.

When you examine the caseload statistics in relationship to other circuit courts, the DC Circuit ranks last in nearly every category. For instance, the DC Circuit has the fewest total appeals filed per panel and only half as many appeals filed per panel as the 10th circuit, which has the second fewest in the country. They have the fewest number of appeals terminated per judge. And again, they have roughly half as many terminations per judge as the second least busy circuit—again, the 10th circuit.

They have the fewest signed written decisions per active judge, with 57. By way of comparison, the second circuit has 5 times as many, with 270 per active judge. The 10th circuit has roughly 4 times as many, with 240 per judge. They have fewest total appeals terminated per panel, with 347.

By way of comparison, the 11th circuit had over 4 times as many total appeals terminated in 2010, with 1,574. The ninth circuit had nearly 4 times as many, with 1,394. And the second and fifth circuits each had 1,329.

Given these statistics, we should be having a discussion on reducing the staffing for this court, not filling a vacancy. This seat is not a judicial emergency. And with our massive debt and deficit, I don't understand why we would be spending our time and resources, particularly on a highly controversial nomination.

Given the concerns I have about Ms. Halligan's record on the second amendment, the war on terror, and other issues, my concerns regarding her activist judicial philosophy and the Court's low workload, I oppose this nomination, and I urge my colleagues to do the same.

I would note in closing the number of organizations expressing their opposition to this nomination: the American Conservative Union, the National Rifle Association, Gun Owners of America, Citizens Committee for the Right to Keep and Bear Arms, Committee for Justice, Concerned Women of America, the American Center for Law and Justice, Heritage Action, Liberty Counsel, Family Research Council, Eagle Forum, and there are others.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I understand morning business will now close.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be time for debate until noon, equally divided in the usual form.

Mr. LEAHY. Madam President, some of the people I have heard who oppose Ms. Halligan were also some of the same people who successfully opposed an effort in the Congress to actually protect police officers a few years ago. So I want to put the opposition in context. It is probably why so many law enforcement groups support Ms. Halligan, because she stood up for law enforcement, unlike some of the groups we have heard about who oppose her, who sought to make the life of police officers more dangerous.

Be that as it may, the Senate stands at a crossroads today. Voting to end the partisan filibuster of this judicial nomination is as important as it was when the Senate did so in connection with the nomination of Judge McConnell to the United States District Court of Rhode Island earlier this year. If we allow the partisan filibuster to go forward, then the Senate will be setting a new standard that no nominee can meet if they wish to be confirmed to the DC Circuit.

Republican Senators who just a few years ago argued that filibusters against judicial nominees were unconstitutional and said that they would never support such a filibuster, and those who care about the judiciary in the Senate, need to step forward and do the right thing. You cannot say that filibusters against judicial nominees are unconstitutional when you have a Republican President but suddenly support a filibuster when you have a Democratic President. This goes even beyond the standards that have driven the approval rating of Congress to an all-time low for hypocrisy. We ought to end the filibuster now and proceed to vote on this extraordinarily well-qualified nominee.

Ms. Halligan, nominated to fill one of three vacant seats on the important DC Circuit, is a highly regarded appellate advocate. She has the kind of impeccable credentials in both public service and private practice that have been looked for in the past by both Democratic and Republican Presidents. Her nomination reminds me of John Roberts, when he was confirmed by every single Democrat and every single Republican to the DC Circuit in 2003. I certainly did not agree with every position he had taken or argument he had made as a high-level lawyer in several Republican administrations, but I supported his nomination to the DC Circuit, as I did to the Supreme Court, because of his legal excellence and ability.

It is frustrating to have Senators tell me privately they know Ms. Halligan is just as qualified as John Roberts was, but this lobby and that lobby are against her. Lobbyists come and go. The court is supposed to be the epitome of justice in this country.

I trusted John Roberts' testimony that he would fairly apply the law if confirmed. If the standard we used for him is applied to Ms. Halligan, there is no question this filibuster will end and Caitlin Halligan will be confirmed.

By any traditional standard, Caitlin Halligan is the kind of superbly qualified nominee who should easily be confirmed by the Senate. Yet, the Senate Republican leadership's filibuster of this nomination threatens to set a new standard that could not be met by anyone. It would not have been met by John Roberts. If this is the new standard, it is wrong, it is unjustified and it is dangerous. Overcoming it will take a handful of sensible Senate Republicans willing to buck their leadership and some single-issue lobbyists. They have done it before and they should again now. Those who care about the judiciary—and as important, those who care about the Senate—need to come forward and end this filibuster.

From the beginning of the Obama administration, we have seen too many Senate Republicans shift significantly away from the standards they used to apply to the judicial nominations of a Republican President. During the administration of the last President, a Republican, they insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominations.

Many Republican Senators declared that they would never support the filibuster of a judicial nomination. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana. They tried to prevent an up or down vote on his nomination even though he was nominated by President Obama after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. The Senate rejected that unjustified filibuster and Judge Hamilton was confirmed with Senator LUGAR's support.

With their latest filibuster, the Senate Republican leadership seeks to set yet another new standard, one that threatens to make confirmation of any nominee to the DC Circuit virtually impossible for the future. Caitlin Halligan is a well-qualified nominee with a mainstream record as a brilliant advocate on behalf of the State of New York and in private practice. She served for nearly six years as Solicitor General of New York and has been a leading appellate lawyer in private practice, currently serves as General Counsel at the New York County District Attorney's Office, and has served as counsel of record in nearly 50 matters before the U.S. Supreme Court, arguing five cases before that court and many cases before Federal and state appellate courts. She clerked for Supreme Court Justice Stephen Breyer and for Judge Patricia Wald on the DC Circuit, the court to which she has been nominated. No Senator has or can question her qualifications. I have reviewed her record carefully in the course of the Judiciary Committee's thorough process, including her response to our extensive questionnaire and her answers to questions at her hearing and in writing following the hearing. In my view, there is no legitimate reason or justification for filibustering her nomination.

Yesterday, I put into the RECORD some of the many letters of support we have received from across the political spectrum for Ms. Halligan's nomination. These letters are a testament to both her exceptional qualifications to serve and to the fact that this should be a consensus nomination, not a source of controversy and contention. They attest to the fact she is not a closed-minded idealogue, but is the kind of nominee who has demonstrated not only legal talent but also a dedication to the rule of law throughout her career. We should encourage nominees with the qualities of Ms. Halligan to engage in public service. We should welcome people like her to serve on the Federal bench, not denigrate them. Concocted controversies and a blatant misreading of Ms. Halligan's record as an advocate are no reason to obstruct this outstanding nomination.

I also demonstrated yesterday that any so-called ''caseload'' concern is no justification for filibustering this nomination. This was not a concern we heard from Republicans when they voted to confirm President Bush's nominees to fill not only the 9th seat, but also the 10th seat and the 11th seat on this court a couple of years ago. They should not now use caseload as an excuse to filibuster President Obama's nomination to fill the ninth seat when the DC Circuit's caseload has increased. There are only two differences today than when President Bush's nominees to the DC Circuit were confirmed in 2005 and 2006: One, the caseload per active judge has increased, not decreased; and we have a Democratic President, not a Republican President.

The DC Circuit is often considered the second most important court in the land because of the complex cases that it handles, cases that have grown in

importance since the attacks of September 11. As noted in a recent Washington Post editorial: ''[Caseload numbers do] not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.'' I ask unanimous consent that a copy of this editorial and one from today's Boston Globe be printed in the RECORD at the conclusion of my remarks, along with letters to the editor of the Washington Post in support of Ms. Halligan's nomination.

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

(See exhibit 1)

Mr. LEAHY: Yet the DC Circuit is now more than one-quarter vacant, with three judicial vacancies. The caseload per active judge has gone up since Republican Senators supported every one of President Bush's nominations to that court. According to the Administrative Office of U.S. Courts, the caseload per active judge has increased by one third since 2005, when the Senate confirmed President Bush's nomination of Thomas Griffith to fill the 11th seat on the DC Circuit. That is right—the DC Circuit's caseload has actually increased. By any objective measure, the work of the DC Circuit has grown, and the multiple vacancies should be filled, not preserved and extended for partisan purposes. The ''extraordinary circumstance'' that exists here is the more than one-quarter vacancy level on this court, with only eight active judges.

If caseloads were really a concern of Republican Senators, they would not be standing by while their leadership delays Senate consideration of the nominations of Morgan Christen of Alaska and Jacqueline Nguyen of California to the Ninth Circuit, and Judge Adalberto Jordan of Florida to the Eleventh Circuit. These two circuits have the highest number of cases per active judge. The Ninth Circuit is burdened by multiple vacancies and the largest caseload in the nation. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. I have repeatedly urged the Senate to take up and consider these nominations, which are supported by home state Senators, yet Republicans have refused to consider them for months. Anyone truly concerned about courts' caseloads should join with me to consider the other 20 judicial nominations still pending on the Senate calendar and awaiting final action.

Given Caitlin Halligan's impeccable credentials and widespread support, this should be the kind of consensus nomination supported by Senators of both parties who seek to ensure that the Federal bench continues to attract the best and the brightest. Certainly, by the standard utilized in 2005 to end filibusters and vote on President Bush's controversial nominees, this filibuster should be ended and the Senate should vote on the nomination. Those Senators who claim to subscribe to a standard that prohibits filibusters of judicial nominees except in ''extraordinary circumstances'' should keep their word and not support this filibuster. There are no ''extraordinary circumstances'' to justify the filibuster.

In 2005, Senator GRAHAM, a member of the ''Gang of 14'' described his view of what comprises the ''extraordinary circumstances'' justifying a filibuster. He said: ''Ideological attacks are not an 'extraordinary circumstance.' To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.'' Caitlin Halligan has no character problem, no ethics problem, and there is no justification for this filibuster. Caitlin Halligan is a superbly qualified nominee whose personal integrity, temperament, and abilities have been attested to by the many leading lawyers who have worked with her and against her. They all attest to her integrity and temperament and abilities.

The signers of the 2005 Memorandum of Understanding, and the Senate, demonstrated what they thought that agreement entailed when they proceeded to invoke cloture on a number of controversial nominations. The Senate invoked cloture on the nominations of Janice Rogers Brown and Thomas Griffith to the DC Circuit, the circuit to which Caitlin Halligan has been nominated.

As a Justice on the California Supreme Court, Janice Rogers Brown was a nominee with a consistent and extensive record, both on the bench and off, of using her position as a member of the court to put her views above the law. This was not a question of one case or one issue on which Democrats differed with the nominee—I have voted for hundreds of nominees of Republican and Democratic Presidents which whom I differ on many issues. But this was a nominee with views so extreme she was opposed not just by her home state Senators, but also by more than 200 law school professors from around the Nation who wrote to the Committee expressing their opposition. Her record in numerous decisions as a judge showed that she was willing to put her personal views above the law on issue after issue, including a willingness to roll back the clock 100 years on workers' and consumers' rights, to undermine clean air and clean water protections for Americans and their communities, laws providing affordable housing, zoning laws that protect homeowners, and protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, while serving on the California Supreme Court, Justice Brown had argued that Social Security was unconstitutional, a position clearly at odds with well established law. She went so far as to say ''today's senior citizens blithely cannibalize their grandchildren.''

Despite her ideological extremism and willingness to implement her radical personal views as a judge without regard to the existing law, she was confirmed to the DC Circuit. Her nomination was judged not to present ''extraordinary circumstances'' supporting a filibuster. There is no justification under the standard applied to the nomination of Janice Rogers Brown for a filibuster of the nomination of Caitlin Halligan, a widely-respected nominee with a clear devotion to the rule of law and no record of ideological extremism.

The nomination of Thomas Griffith to the DC Circuit was also determined not to present ''extraordinary circumstances'' despite his decision to practice law without a license for a good part of his career, which I felt should be disqualifying. He was confirmed to fill the 11th seat on the DC Circuit. There is no question that under the standard Republicans applied to the nomination of Thomas Griffith, Caitlin Halligan should be confirmed to fill the ninth judgeship on that court.

I urge Republican and Democratic Senators to come together and end this misguided filibuster of Caitlin Halligan's nomination to the DC Circuit. There is no basis under any appropriate standard for blocking her nomination from having an up-or-down vote. To the contrary, Caitlin Halligan's impeccable credentials and record as an accomplished advocate make her nomination worthy of bipartisan support.

EXHIBIT 1

[From the Boston Globe, Dec. 6, 2011]

OUTRAGE MACHINE GRINDS AWAY

(Editorial)

Discrediting perfectly qualified nominees to the federal judiciary is a dreary, familiar business—one whose latest target is Caitlin Halligan, a former New York solicitor general who once clerked for Supreme Court Justice Stephen Breyer. Ever since President Obama nominated her for the DC Circuit Court of Appeals last year, critics have been combing her record for evidence of dangerous radicalism.

They haven't found any. But in the crude world of judicial-nomination fights, a nuanced discussion of New York's marriage laws becomes a self-evident slant toward same-sex marriage. Others depict her as anti-gun because she signed a brief in a liability suit against gun manufacturers. The group Gun Owners of America has conveniently pre-written an e-mail, which members can robo-send to their senators, denouncing Halligan's nomination as ''inconceivable.''

Halligan may not be GOP senators' first choice for an appellate-court seat. And if a Republican president had chosen a former Texas solicitor general who'd clerked for Antonin Scalia, some of the same groups now defending Halligan would surely be scraping around for reasons why the nominee was utterly unsuitable for the job. But the Senate need not dignify these tactics.

In a way, Halligan is lucky; rather than stringing her along endlessly, the Senate has scheduled a vote today to end debate on her

nomination. GOP senators—including Scott Brown—should acknowledge that her views appear to be well within the legal mainstream, and vote to end the filibuster against her. Her nomination deserves, at the least, an up-or-down confirmation vote.

[From the Washington Post, Nov. 22, 2011]

SENATE SHOULD CONFIRM CAITLIN HALLIGAN TO THE D.C. CIRCUIT COURT

(Editorial)

When Caitlin J. Halligan was nominated in 2010 to a seat on the U.S. Court of Appeals for the D.C. Circuit, the prestigious 11-member court had two vacancies. Today, there are three, after Judge Douglas H. Ginsburg took senior status this fall.

Yet some Senate Republicans argue that there is no need to install Ms. Halligan because the court's caseload has shrunk. Others look suspiciously on her purported views on antiterrorism policy. GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill. These lawmakers rightly objected to such tactics when deployed by Democrats to stall or defeat well-qualified Republican nominees; they should not revert to them now when a Democrat controls the White House.

Ms. Halligan has had a distinguished career and deserves to be confirmed. A graduate of the Georgetown University Law Center, she clerked for D.C. Circuit Judge Patricia M. Wald and later for Supreme Court Justice Stephen Breyer. She has served as head of the appellate practice at a top New York law firm, as solicitor general in that state and now as general counsel for the New York County District Attorney's Office in Manhattan. The American Bar Association gave Ms. Halligan a unanimous well-qualified rating. The Senate Judiciary Committee approved her nomination seven months ago; she has been waiting for a floor vote ever since.

While it is true that caseloads have been inching downward at the D.C. Circuit, the decline does not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.

Critics note that Ms. Halligan's name appears on a 2004 report by the New York City Bar Association that lambasted the Bush administration for asserting the legal authority to hold enemy combatants without trial until the cessation of hostilities; the Supreme Court ultimately endorsed the administration's position. Ms. Halligan acknowledges that she was a member of the committee that wrote the report but testified that she was not involved in its development or writing and said she learned of it only in 2010, while gathering material for the confirmation process. Ms. Halligan testified that she did not agree with the report's conclusions.

Some critics suggest that Ms. Halligan's repudiation is a ''confirmation conversion.'' Yet no evidence to dispute her account has emerged during the eight months since her hearing. The report episode is odd but should not disqualify Ms. Halligan, given the mountain of evidence that she is a smart and well-qualified candidate.

FRANKLIN COUNTY,
Malone, NY, February 14, 2011.

Senator PATRICK J. LEAHY,
Chairman, U.S. Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I once discussed on a plane ride to Washington with you your time as a Prosecutor. Today it is my pleasure and honor to write a letter supporting the nomination of a fellow prosecutor, Caitlin J. Halligan, for the DC Circuit Court of Appeals.

In my service as District Attorney of Franklin County in rural upstate New York and as President of the District Attorneys Association of the State of New York, I have had the distinct privilege of working closely with Ms. Halligan during the past year. In her position as General Counsel to Manhattan District Attorney Cyrus R. Vance, Jr., she has consistently demonstrated her unconditional support of the interests of law enforcement and has lent her exceptional expertise as an advocate for the rule of law to the complex issues that confront our state across its many varied interests.

Having first heard of Ms. Halligan's remarkable legal abilities during her tenure as Solicitor General of New York State under Governor George Pataki, I am delighted now to have learned firsthand that she is a consummate ''lawyer's lawyer''. She has unparalleled legal reasoning skills and a firm commitment to our constitutional values.

Thank you for this opportunity to express my support for this exceptional judicial candidate.

Very truly yours,

DEREK P. CHAMPAGNE,
District Attorney.

COUNTY OF ONONDAGA,
Syracuse, NY, February 16, 2011.

Re Caitlin Halligan.

Senator PATRICK LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I write this letter in support of the President's nomination of Caitlin Halligan for the United States Court of Appeals for the District of Columbia Circuit.

By way of a brief introduction, I am a career prosecutor, having served twenty years as the elected District Attorney of Onondaga County (just under a half a million population) in Upstate New York and ten years as an assistant district attorney prior to that. I am the New York State representative to the National District Attorneys Association and serve on that body's Executive Committee. I am also co-chairman of the American Bar Association's Criminal Justice Section's Committee on Science and Technology and I have been appointed by Governors Pataki, Spitzer and Cuomo to serve on New York State's Forensic Science Commission. I am a past President of the New York State District Attorneys Association and currently serve on its Board of Directors. I am also a life long Republican, but nobody's perfect.

Cy Vance is the current District Attorney of New York county having succeeded the legendary Bob Morgenthau. Cy is a good friend and has quickly established himself in New York as an outstanding prosecutor and a resource for his sixty-one other colleagues throughout the State. And one of the really great things that Cy does is surround himself with quality people. A perfect example of one of those quality people is Caitlin Halligan, currently Cy's General Counsel at the Manhattan District Attorney's Office.

Caitlin's résumé makes it hard to believe she is only forty-four years old. Educated at Princeton with a law degree from Georgetown, Caitlin served as law clerk to two of America's most illustrious jurists. Her service to my home State of New York has been both distinguished and invaluable. As a member of the Attorney General's Internet Bureau, Caitlin helped develop initiatives to battle on-line fraud and protect individual privacy. Many of those initiatives are still employed by local offices. Rising through the ranks of the Attorney General's Office, Caitlin for five years served as our State's Solicitor General, arguing cases before all appellate levels, including the United States Supreme Court. Caitlin's reputation was nothing short of outstanding which is one of many reasons my friend Cy Vance was lucky enough to entice her back into public service as his General Counsel.

I fully understand the political give and take of the nomination process, particularly when the position is of such import. Words uttered and position papers written decades earlier take on greater significance. Each party would prefer to have a nominee whose judicial philosophy is most closely attuned to their core beliefs. Ultimately, it is the President's choice and frankly I do not think any President, Democrat or Republican, could find a more qualified, a more honorable or a finer candidate than Caitlin Halligan.

Sincerely,

WILLIAM J. FITZPATRICK,
District Attorney.

RICHMOND COUNTY,
Staten Island, NY, February 25, 2011.

Re Caitlin J. Halligan.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I write in support of the nomination of Caitlin J. Halligan for a seat on the United States Court of Appeals for the D.C. Circuit. Ms. Halligan's experience and accomplishments as an appellate lawyer make her an ideal appointee to that Court.

Ms. Halligan, currently employed by the New York County District Attorney's Office as General Counsel, has served as First Deputy Solicitor General, then Solicitor General of the State of New York and as head of the appellate practice section at the New York law firm of Weil, Gotshal and Manges LLP. In her time as First Deputy and then Solicitor General, she was responsible not only for briefing and arguing her own cases, but for supervising the appellate litigation conducted by New York State's Attorney General as well.

In her time in private practice and in the Office of the New York State Solicitor General, Ms. Halligan has briefed and argued cases at all levels of appellate courts in the United States, ranging from the United States Supreme Court to New York State's intermediate appellate court, the Appellate Division and has also supervised briefs filed in those courts. The cases in which she has been involved, either as principal attorney or supervisor, span such diverse areas as prisoner civil rights matters, environmental, voting rights and free speech issues, and commerce clause matters. This breadth of practice areas—both in terms of the courts in which Ms. Halligan has appeared and the nature of the cases in which she has been involved—certainly has provided Ms. Halligan with the background necessary for success as a Circuit Court judge, particularly in view of the wide variety of matters that will come before Ms. Halligan should she be confirmed to a seat on the D.C. Circuit.

In short, Ms. Halligan's experience as an appellate practitioner and the wide variety of issues with which she has dealt will serve her well in her capacity as a Circuit Judge and I am pleased to offer my support for her confirmation.

Sincerely,

DANIEL M. DONOVAN, Jr.,
District Attorney.

NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE, INC.,
Schenectady, NY, April 27, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the New York State Association of Chiefs of Police, I am writing to express our unqualified support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

Our Association was founded in 1901 and has almost 600 active members including Police Chiefs, Commissioners, Superintendents and other command level officers. Our primary purpose is to provide training for our members and to serve as an information hub for them as well. We take great pride in helping to advance the cause of professional policing and take very seriously our obligations to support individuals who we believe will serve our nation's criminal justice system well.

An examination of Ms. Halligan's credentials clearly indicates to us that she is one of those individuals She has demonstrated an understanding of the need for strong law enforcement to protect those in our communities least able to protect themselves. She has extensive experience as an appellate lawyer and has worked on many important cases being handled by the most senior courts in our judicial system.

Our Board of Governors who represent police agencies across the State from the largest to the smallest have unanimously voted to endorse her nomination. We urge you to give her the most serious consideration for this most important appointment.

Thank you for your attention to our interests and please feel free to contact us if we may ever be of assistance.

Respectfully,

JOHN P. GREBERT,
Executive Director.

NEW YORK WOMEN IN LAW ENFORCEMENT,
Albany, NY, May 31, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the New York, Women in Law Enforcement (NYWLE), I am writing to express our support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

The primary mission of NYWLE is to support the recruitment, retention and promotion of women within the criminal justice system. It is with enthusiasm that we support the appointment of Ms. Halligan, a person of nobility and integrity to this honorable position.

Her vast experience arguing cases before both state and federal appellate courts coupled with her rapid advancement in her career speak to her elevated level of intelligence and integrity. Her pro bono work on the memorial for the World Trade Center demonstrates her noble commitment to doing what is right for individuals in need. She exemplifies all the characteristics of a person we would want to serve the people of this country in such a crucial judgeship.

In summary, the Board of the NYWLE, whose 19 names and positions are outlined on this letterhead, highly recommends Ms. Halligan as a Federal Circuit Judge. We thank you for your consideration in this matter.

Respectfully,

DEBORAH J. CAMPBELL,
President.

NATIONAL CENTER FOR WOMEN & POLICING,
Arlington, VA.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR GRASSLEY: On behalf of the National Center for Women and Policing (NCWP), I am writing to express our utmost support for the nomination of Caitlin J. Halligan for the position of United States Circuit Judge for the District of Columbia Circuit.

A division of the Feminist Majority Foundation, the NCWP has been working since 1995 to educate criminal justice policy makers, the media and the public about the impacts of increasing the representation of women in policing. Our goals include ensuring that gender is always considered during the analysis of contemporary policing issues, and that law enforcement agencies strive for gender balancing their departments. We take great pride in helping to advance the cause of professional policing and take very seriously our obligations to support individuals who we believe will serve our nation's criminal justice system overall.

Ms. Halligan is clearly an individual we would want to support to serve our criminal justice system at the national level. Her extensive experience either representing cases before the Supreme Court or arguing cases before the state and federal appellate courts whether as the Solicitor General for New York State, the Counsel for New York County's District Attorney Office or for private practice is impressive. Her pro bono work on the memorial for the World Trade Center is honorable. She is clearly a person of solid standing and integrity a person we would want serving the people at one of our highest courts.

We are confident she would provide fair and equal justice and therefore respectfully request your consideration for Ms. Halligan for this critical appointment.

Respectfully,

MARGARET MOORE,
Director.

NATIONAL CONFERENCE OF WOMEN'S BAR ASSOCIATIONS,
Portland, OR, June 23, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY,
Chair, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the National Conference of Women's Bar Associations, we write to express our enthusiastic support for the nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan's broad experience, public service and intellect make her well suited to the federal appellate bench, and her appointment would add much needed diversity to the federal court, where currently only three women are among the active judges on the DC Circuit.

We join with many other organizations such as the National District Attorneys Association, the New York Women in Law Enforcement and the Women's Bar Association of the District of Columbia in urging the speedy confirmation of this outstanding nominee.

Very truly yours,

MARY E. SHARP,
President.

WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA,
Washington, DC, June 16, 2011.

Re Nomination of Caitlin J. Halligan to the United States Court of Appeals for the District of Columbia Circuit.

Hon. PATRICK J. LEAHY,
Chair, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the Women's Bar Association of the District of Columbia (WBA), we write to express the WBA's enthusiastic support for Caitlin J. Halligan's nomination to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Halligan is exceptionally well-qualified for the position to which she has been nominated. Her confirmation would add not only superior intellect, but also much needed diversity to the federal appellate courts.

The WBA's principal goal in supporting judicial candidates is to ensure the appointment of qualified judges and, consistent with that goal, to increase the number of judges who support the mission of the WBA. We give priority in our recommendations to candidates with extensive litigation experience, a demonstrated commitment to the equality of all litigants, and an attention to women's needs and concerns. The WBA evaluates each candidate for endorsement by reviewing his or her resume and other supporting documentation, and by discussing, with references the candidate's qualifications, integrity, temperament, experience, and commitment to the concepts of equal opportunity and equal justice under law.

Ms. Halligan is without question eminently qualified to join the D.C. Circuit Court of Appeals. Her academic and legal credentials are of the highest caliber. Ms. Halligan's legal career began at Georgetown University Law Center, where she graduated Order of the Coif and was Managing Editor of the Georgetown Law Review. She subsequently clerked for Judge Patricia M. Wald on the D.C. Circuit Court of Appeals, and later for Justice Stephen G. Breyer of the United States Supreme Court. The majority of her outstanding legal career has been focused upon public service. From 2001–2006, she served as Solicitor General of the State of New York, and she currently serves as General Counsel to the New York County District Attorney's office. In between, Ms. Halligan headed the appellate practice at Weil, Gotshal and Manges, LLP. She has served as counsel of record for a party or amicus at the certiorari or merits stage in more than 40 matters in the United States Supreme Court. She has also argued five cases before the Court, including as recently as March 2011, and won awards from the National Association of Attorneys General in five consecutive years as New York's Solicitor General.

Ms. Halligan's contributions to the legal profession have extended well beyond her day job. She has taught as an adjunct professor at Georgetown University Law Center,

and as a Lecturer in Law at Columbia Law School. Ms. Halligan has also made significant pro bono contributions, serving as a member of the Boards of Directors of the National Center for Law and Economic Justice and the Fund for Modern Courts, as pro bono counsel to the Board of Directors of the Lower Manhattan Development Corporation, and as counsel for Hurricane Katrina and Rita evacuees before the Fifth Circuit. Through her activities, Ms. Halligan has demonstrated a commitment to the concepts of equal opportunity and equal justice under law both inside and outside the courtroom.

Given her record of achievement and breadth of experience, it is not surprising that Ms. Halligan has received a unanimous rating of Well-Qualified from the ABA's Standing Committee on the Federal Judiciary, the highest rating available. She has the support of numerous organizations, including the District Attorneys Association of the State of New York, the National District Attorneys Association, the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the New York Women in Law Enforcement, and the National Center for Women & Policing. In addition, a bi-partisan group of prominent appellate practitioners that includes Cliff Sloan, Sri Srinivasan, Miguel Estrada, Carter Phillips and numerous others has submitted an enthusiastic letter praising the abilities and character of Ms. Halligan and expressing their unanimous belief that ''Caitlin is an outstanding selection for the D.C. Circuit.''

Beyond Ms. Halligan's obvious qualifications, we must note that her confirmation would add much needed diversity to the federal bench. Out of 179 seats on the federal appellate courts, only 50 are currently held by women. The D.C. Circuit has eleven authorized judgeships, with two current vacancies, but only three women are among the active judges. Ms. Halligan possesses impeccable credentials and would be a worthy addition to the DC Circuit.

For all of these reasons, the WBA is proud to support Caitlin Halligan's nomination, and strongly urges the Senate to vote to confirm her to the United States Court of Appeals for the District of Columbia Circuit. She is a superlative lawyer with a broad range of experience, and her commitment to fairness, stellar intellect, judicious temperament, and principled nature make Ms. Halligan a superb nominee. If you have any questions regarding this letter of support, please contact the WBA office.

Sincerely,

MONICA G. PARHAM,
President.

[From the Washington Post, Dec. 5, 2011]

PUT CAITLIN HALLIGAN AND OTHERS ON THE D.C. CIRCUIT

The Nov. 23 editorial ''Time to Pass Judgment'' argued that the Senate should confirm Caitlin J. Halligan to a seat on the U.S. Court of Appeals for the D.C. Circuit. I fully agree. Ms. Halligan has excellent qualifications and appears to be an extremely bright and capable judicial candidate. It seems, however, that Senate Republicans have one major problem with Ms. Halligan: She looks too much like a future Supreme Court nominee. That is the same problem Senate Democrats had with Miguel A. Estrada when they blocked his appointment to the D.C. Circuit.

The Halligan and Estrada nominations are just two examples of the petty and unnecessary charade that is the current Senate judicial confirmation process. Though this problem is decades old, perhaps President Obama could make a bold effort at bilateral disarmament and prove his bipartisan bona fides at the same time.

Assuming Ms. Halligan is confirmed, the D.C. Circuit will still have two open seats, to which Obama should nominate Mr. Estrada and Goodwin Liu. Both Mr. Estrada (a Bush nominee) and Mr. Liu (an Obama nominee) are brilliant lawyers, and both were blocked by tit-for-tat Senate politics. Such a move by Mr. Obama could soften the gridlock that has plagued judicial nominations for so many years.

JEFF LUOMA,
North Bethesda.

In addition to all of the reasons that The Post's editorial cited in urging that the Senate confirm Caitlin J. Halligan, one other important factor is that this outstanding nominee would be only the sixth female judge in the 118-year history of the U.S. Court of Appeals for the D.C. Circuit, thus adding to the court's diversity.

Eight months is far too long to deprive the D.C. Circuit of a nominee of Ms. Halligan's talents; the Senate should vote Tuesday to cut off debate on her nomination and vote immediately afterward to confirm her.

MARCIA D. GREENBERGER,
Washington.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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. LEAHY. Madam 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.

Mr. LEAHY. I see the distinguished Senator from New York on the floor, and I have a feeling that she will have a statement of support of this superb nominee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I am very proud to support the nomination of Caitlin Halligan to the U.S. Court of Appeals for the District of Columbia.

Caitlin Halligan has distinguished herself through her commitment to fairness, reasoned intellect, personal ethics, and a profound respect for the law. Unfortunately, it appears that some of my colleagues are determined to criticize her, regardless of the facts or her record. The major concern seems to be the workload demands for the DC Circuit. This is not a reason to oppose this candidate's nomination.

In 2008, the Senate acted to reduce the number of seats on the DC Circuit from 12 to 11, increasing the caseload for each of the judges. Currently, there are only eight active judges on the DC Circuit, leaving the bench more than 27 percent vacant. That means the U.S. Circuit Court currently has three vacancies—three vacancies on a court that is currently handling more than 1,200 cases; three vacancies on a court that handles some of the most complicated decisions, including terrorism cases.

Today we have the opportunity to fill one of these vacancies on the DC Circuit, often called the second most important court in the entire United States. The caseload of the DC Circuit has remained consistent since 2005, while the number of cases per judge has increased by 33 percent. If Ms. Halligan is confirmed, it will reduce that caseload from its current level of approximately 161 pending cases to approximately 143 per judge, still substantially higher than during the previous administration.

The DC Circuit Court of Appeals reviews complicated decisions and rulemaking of many Federal agencies and in recent years has handled some of the most important terrorism and detention cases since the horrific attacks on September 11. These cases are complex, requiring additional time to allow for the consideration they demand.

Many of my colleagues have raised concerns with positions Ms. Halligan advocated while solicitor general of New York. She filed briefs at the direction of the Attorney General. She was not promoting her own personal views. Many of these cases focused explicitly on New York State's rights to govern in traditional State law areas.

Caitlin Halligan is a woman of superb intellect, a history of laudable achievements, and a record of outstanding public service. Not only does she deserve an up-or-down vote, but on the merits she deserves the full support of the Senate. I ask my colleagues to allow for an up-or-down vote on Caitlin Halligan's nomination. Let's debate Ms. Halligan on her merits. She deserves nothing less.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Madam President, I rise to speak today in opposition to the nomination of Caitlin Halligan to be a judge in the U.S. Court of Appeals for the DC Circuit.

The DC Circuit is arguably the most important Federal appellate court in our Federal judicial system, with primary responsibility to review administrative decisions made by countless Federal departments and agencies. It has also served in many instances as a steppingstone for judges who are later appointed to the U.S. Supreme Court. As a result, the Senate has historically very closely scrutinized nominees to the DC Circuit.

When evaluating particular nominees, we have also carefully considered the need for additional judges on that court.

In July 2006, President Bush nominated an eminently qualified lawyer, Peter Keisler, to fill a seat on the DC Circuit. Mr. Keisler is among the very finest attorneys in the country. Because of his nonideological approach to the law, Mr. Keisler enjoys broad bipartisan support throughout the legal profession. Despite these unassailable legal qualifications, Democratic Senators blocked his nomination. He did

not receive any floor consideration whatsoever, not even a cloture vote, and his nomination languished in the Judiciary Committee. At the time, a number of Democratic Senators sent a letter to the Judiciary Committee chairman arguing that a nominee to the DC Circuit ''should under no circumstances be considered, much less confirmed, before we first address the very need for that judgeship''—the judgeship he would occupy. These Senators specifically argued that a DC Circuit's comparatively moderate caseload in 2006 simply did not justify the confirmation of an additional judge to that court.

Five years have now passed and Ms. Halligan has been nominated to that very same seat on the DC Circuit. But the court's caseload remains as minimal as it did then. According to the Administrative Office of U.S. Courts, the DC Circuit caseload per judge is approximately one-fourth that of most other Federal courts of appeals. In each of the past 2 years, the DC Circuit has cancelled regularly scheduled argument dates due to lack of pending cases. For several years the court has experienced a decline in workload in terms of total filings, actions per active judge, and pending appeals. Almost every metric indicates the same direction. Indeed, since 2006, when Democrats blocked Mr. Keisler's nomination, the total number of appeals filed in the DC Circuit has decreased—decreased—by 12 percent.

According to the Democrats' own standards, and particularly when there are judicial emergencies in other courts across the country, now is not the time to confirm another judge to the DC Circuit. It is most certainly not the time for us to consider confirming a controversial nominee with a record of extreme views of the law and the Constitution. Many of my colleagues have discussed these views, so I will limit myself this morning to one example.

In 2003, while serving as solicitor general of New York, Ms. Halligan approved and signed a legal brief arguing that handgun manufacturers, wholesalers, and retailers should be held liable for criminal actions that individuals commit with those guns. Three years later, in 2006, Ms. Halligan filed a brief alleging that handgun manufacturers were guilty of creating a public nuisance—that they, themselves, were guilty of creating a public nuisance. Such an activist approach is both bewildering and inconsistent with the original understanding of the second amendment and the rights under the second amendment that American citizens enjoy.

In conclusion, as measured by the Democrats' own standards and their prior actions, now is not the time to confirm another judge to the DC Circuit, and it is certainly not the time to consider such a controversial nominee for that important court.

For these reasons, I cannot support Ms. Halligan's nomination, and urge my colleagues to oppose her confirmation.

Madam President, I yield the floor and 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.

Mr. LEE. Madam 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.

Mr. LEE. I ask unanimous consent that the quorum call be divided equally.

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

Mr. LEE. I note 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.

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

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

Mr. SCHUMER. Reserving the right to object, Mr. President, I believe we have a set number of minutes left to discuss the nominee, Caitlin Joan Halligan, which is the subject here?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. How much time does the majority have?

The PRESIDING OFFICER. Eight minutes.

Mr. SCHUMER. Mr. President, I ask that the final 8 minutes before we vote be reserved for that and that the Senator from Illinois be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

SOCIAL SECURITY

Mr. KIRK. Mr. President, I wish to speak as in morning business to talk about the big issue pending before the Senate, which is the potential legislation by Republicans or Democrats to cut contributions to Social Security. I am very worried because in the legislation we considered last week, we had proposals to cut contributions to Social Security by $250 billion. This was legislation proposed by Democratic leaders and then a separate piece of legislation by Republican leaders. I think that legislation was a mistake on both sides.

We have precious few bipartisan institutions or contacts in this Senate. Senator MANCHIN and I—one Democratic and one Republican Senator, both freshmen—meet every Thursday for lunch. At our Thursday lunch last week, Senator MANCHIN initially said: I am having difficulty. I don't think I am going to be able to vote for the Democratic bill to cut Social Security contributions.

I said: I join you in that because I am not going to be able to vote for the Republican bill that cuts Social Security contributions.

So the two of us voted pro-Social Security and against the legislation before us.

I am very worried that we are forgetting the lessons that are currently playing out in Europe on this subject. As Margaret Thatcher said, ''Eventually socialists run out of other people's money.'' The collapse of European socialism underscores the lesson that you cannot run a retirement system without contributions.

We know already that the Social Security system is running slightly in the red. Contributions into the system are going to run $10 billion behind the cost of honoring benefits to seniors. But under this legislation we would underfund Social Security by $250 billion. We would increase the tide of red ink to Social Security by 20 times. I think that is a mistake.

AARP tells us that Social Security is not a welfare program, it is a retirement security program paid by the contributions of workers and we should run this program with the contribution of workers.

Remember, if we make this decision to cut contributions to Social Security, we replace those contributions with government bonds, but the government bonds we would ask seniors to trust no longer have a triple-A credit rating from Standard & Poor's. It is basically asking seniors to trust us.

When you look at the details of the Democratic bill and the Republican bill, you see another disturbing trend. The Democratic and Republican bills both depend on revenue streams that take many years to repay what is lost to Social Security. Under the Republican bill, there are promised cuts which could be reversed by a future administration or Congress. It takes until 2018 to repay the senior citizens what has been lost in Social Security contributions under the trust fund. Under the Democratic bill, there was a political tax on millionaires, and it takes until 2021 to repay seniors.

The message that Senator MANCHIN and I had, as one Democrat and one Republican, is, how about not charging seniors? How about not causing a tide of red ink to Social Security? How about making sure we maintain contributions to that program? Seniors have enough to worry about right now. They should not have to worry about the future solvency of Social Security.

One analyst described how, under the legislation, it requires temporary borrowing of an additional $240 billion for the Federal budget. I am worried that kind of borrowing could trigger an earlier loss of the debt limit of the United States, so we could trigger the battle we all expect for next January to actually happen—ominously for the President, prior to the election—if this legislation would pass.

Common sense should prevail, that we should run a retirement security

system with adequate contributions to maintain benefits, that we should agree on a bipartisan basis that Social Security is one of the most successful Federal programs ever signed, that we should say to seniors: Among all the other worries you have, you should not worry about Congress underfunding the trust fund for Social Security. We should say to seniors: We are not replacing solid contributions coming in from workers with bonds that no longer have a AAA credit rating from Standard & Poor's.

I urge members of AARP to reach out to their leaders and say: We urge you to forcefully advocate for maintaining adequate contributions to Social Security; that we don't think promises of a millionaire's tax that repays the debts until 2021 or spending cuts that repay the debts until 2018 are something we can fully trust.

So I urge Members of this body to maintain adequate contributions to Social Security, to defeat both the Republican and Democratic bills, to learn the lessons of Europe that we need to maintain a retirement security system with adequate contributions, and that we should not sink the Social Security trust fund in a wave of red ink on gimmick legislation which already would impinge the credit of the United States to a degree that it should not be impinged any further.

With that I yield the floor, and I thank my senior colleague from New York.

Ms. COLLINS. Mr. President, I rise today to speak on the nomination of Caitlin Halligan to be a judge of the U.S. Circuit Court for the District of Columbia.

I have carefully considered the background of this nominee and undertaken a full review of her public record as well as the records of the Judiciary Committee hearings. I have also looked closely at the actual staffing needs of the court to which she has been nominated. While my review leads me to conclude that Ms. Halligan is well qualified, I am not convinced that the workload of the court justifies filling the seat, and on that basis, I oppose the nomination.

This vacancy has existed since 2005 when then-Judge John Roberts was elevated to the Supreme Court. In June 2006, President Bush nominated Peter Keisler to fill the seat. Despite Mr. Keisler's strong qualifications, Democrats held up his nomination for a total of 918 days; it eventually had to be withdrawn.

Central to their objection to Mr. Keisler's nomination was their contention that the court's caseload did not justify filling the vacancy. As expressed by a Democratic Judiciary Committee member during Mr. Keisler's confirmation hearing and later reiterated by all eight committee Democrats in a letter to the chairman urging the nomination be put on hold:

> We are putting the cart before the horse here. . . . Here are the questions that just loom out there. Is there a genuine need to fill this seat? Has not the workload of the D.C. Circuit gone down? Should taxpayers be burdened with the cost of filling that seat? . . . We have been told repeatedly that to fill this seat would be a waste of taxpayer money and a shameful triumph of big government. Why then are we speeding towards confirmation here?

Since that statement, even with this seat still vacant, statistics from the Administrative Office of the U.S. Courts show that the caseload of the DC Circuit has actually continued to decrease markedly over the last several years and that, with a smaller court, more appeals were terminated during this same period

This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed in the DC Circuit decreased by more than 14 percent between 2005, when 1,379 appeals were filed, and 2010—the latest complete year for which statistics are available—when 1,178 appeals were filed. Meanwhile, with a smaller court, more appeals were terminated during this period. The total number of appeals pending was reduced from 1,463 appeals to 1,293 appeals. This is a decrease of nearly 12 percent.

The shrinking workload is also demonstrated in the per-panel and per-judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period as well. Pending appeals per panel dropped over 9 percent. Interestingly, the DC Circuit ranks last among the circuit courts in 2010 in this category. That means it has the lightest workload per panel.

Given the declining workloads, the Senate should be debating reducing the staffing for this court, not filling a vacancy. With our massive deficit, belts being tightened everywhere, and critical vacancies existing on other Federal courts, why should we spend the resources—estimated at over $1 million a year—to fill this seat? Why are we eating up legislative time debating a nominee we likely don't need, instead of moving forward to nominees for vacancies that have become judicial emergencies and demand more immediate attention?

It is discouraging to note that now that the candidate for this seat is a Democratic nominee and not a Republican, all of my friends on the other side of the aisle seem to have forgotten their concerns about the caseload, even though the court's own statistics show it has markedly declined. In fact, when the Senator from Iowa, Mr. GRASSLEY, recently sought to amend a judicial staffing bill before the Judiciary Committee this last October to cut a seat on the DC Circuit, Committee Democrats voted it down.

Mr. President, given the facts, I firmly believe that filling this vacancy before we determine whether the position is or is not superfluous to the court's needs, is indeed, as Judiciary Committee Democrats noted in 2006, ''putting the cart before the horse.'' Until that determination is made, I cannot support filling this vacancy regardless of the nominee's qualifications. Consequently, I will oppose cloture on the nomination.

Mr. HATCH. I rise today in opposition to the nomination of Caitlin Halligan to the U.S. Court of Appeals for the DC Circuit. I reached this conclusion after applying the same standard I use for all judicial nominations. The Senate owes some deference to the President regarding judicial nominees who are qualified by virtue of their legal experience and, more importantly, their judicial philosophy. I want to briefly mention a few of the reasons why this controversial nominee fails to meet this standard.

One hallmark of an activist judicial philosophy is trying to use the courts to solve problems or address issues that properly belong in the legislative branch. Both as solicitor general of New York and in private practice, Ms. Halligan argued that gun manufacturers should be held liable for the illegal use of their products. She argued that illegally possessed handguns are a so-called public nuisance for which manufacturers should be held responsible. The New York Court of Appeals rejected this radical theory and properly concluded that such social problems should be addressed by the legislative or executive branches rather than the judicial branch.

Undeterred, Ms. Halligan next went to Federal court to challenge the constitutionality of the Protection of Lawful Commerce in Arms Act. Congress enacted that statute so that manufacturers would not be held liable for the illegal use of their products. That measure passed the House and the Senate by at least a 2-to-1 margin. In this body, 14 Democrats voted for the bill, including 10 who still serve today. As had the New York Court of Appeals, the U.S. Court of Appeals for the Second Circuit rejected Ms. Halligan's position, upholding the statute and dismissing the litigation.

Ms. Halligan has also taken extreme positions regarding the war on terrorism. I know that liberals do not even want to call it that today, but the reality is that we remain at war against foreign terrorists bent on murdering American civilians. Ms. Halligan would give captured terrorists, who are making war on the United States, access to civilian courts, a right never before recognized in American history. Ms. Halligan was a member of a New York City bar committee that issued a report on the indefinite detention of enemy combatants. This is particularly important because the DC Circuit, to which Ms. Halligan has been nominated, is the most important lower court for terrorism cases. She did not abstain from signing the report, as four other committee members did, and so its content and conclusions can be attributed to her.

She argued in that report that the authorization for use of military force,

or AUMF, does not authorize long-term detention of enemy combatants and that alien terrorists should be tried in civilian courts rather than in military commissions. The Supreme Court and the Obama administration have since rejected or abandoned such positions. After the Supreme Court held, in Hamdi v. Rumsfeld, that the AUMF does authorize military detention of resident aliens, Ms. Halligan coauthored a brief arguing otherwise. Not until her Judiciary Committee hearing this year did Ms. Halligan even try to distance herself from these extreme positions, something that my friends on the other side of the aisle would call a confirmation conversion if she were a Republican.

Unfortunately, this was not the only example of Ms. Halligan getting behind novel rights that have no grounding in our Constitution or legal traditions. Ms. Halligan filed a brief in Roper v. Simmons arguing that evolving standards of decency today forbid the execution of individuals who committed murder before the age of 18. This is judicial activism at its worst, giving judges complete control of the Constitution that they are supposed to follow. America's Founders insisted that the meaning of the Constitution does not change until the people change it and that even judges are bound to follow that meaning. Today, in contrast, the Supreme Court says that the meaning of the Constitution is evolving and that judges are in charge of that evolution.

The fact that Ms. Halligan appears to be solidly in that judicial activist camp is bad enough and is alone grounds to oppose her nomination. Perhaps sensing that such activism is deeply unpopular among the American people and their elected representatives, she did an about-face at her confirmation hearing and said that the Constitution should be interpreted based on the people's original meaning rather than on judges' evolving understandings. So it is legitimate to ask which Ms. Halligan is the real Ms. Halligan—the Ms. Halligan who would create new rights, while ignoring the clear language of the Constitution that protects the right to bear arms, or the Ms. Halligan who at the last minute has become a convert to originalism?

I think her record speaks for itself.

Ms. Halligan also filed a brief in Scheidler v. National Organization for Women arguing that pro-life protesters should be prosecuted under the Federal racketeering statute because they somehow commit extortion. Her argument would require the courts literally to rewrite both the racketeering statute and the extortion statute and is another example of Ms. Halligan seeking to pursue her political agenda in the judicial rather than in the legislative branch. I believe instead that the political ends do not justify the judicial means and, thankfully, the Supreme Court voted 8 to 1 to reject her position.

In addition to her troubling record, it is worth noting that the position to which Ms. Halligan has been nominated hardly fits the category of a judicial emergency. The Senate has this year already confirmed nearly 20 percent more judges than the annual average over the past couple of decades, with, I am sure, more to come. We have paid particular attention to filling long-term vacancies in jurisdictions with heavy caseloads. Yet, between 1993 and 2010, annual case filings in the DC Circuit decreased by twice the percentage that filings increased in other circuits. The DC Circuit's caseload per judge is literally one-fourth what it is for other circuits. It has ranked last for years among all circuits in the number of appeals filed per three-judge panel, even after one of its seats was transferred to the Ninth Circuit and even with multiple vacancies. The DC Circuit's caseload is lower today than when Democrats used this caseload argument to block the nomination to this court of Peter Keisler, who waited more than 900 days without a committee vote.

As my colleagues know, I do not oppose judicial nominees often or lightly. While Ms. Halligan appears to be an experienced lawyer and I am sure is a fine person, those are insufficient qualifications for judicial service. The most important qualification is her judicial philosophy, or the kind of judge she would be. The record shows that she embraces the activist judicial approach that I believe is incompatible with the power and proper role of judges in our system of government under a written Constitution. For these and for additional reasons that my colleagues will discuss further, I cannot support her appointment.

Mrs. BOXER. Mr. President, I wish to express my support for Caitlin Halligan, who has been nominated to the Court of Appeals for the DC Circuit. Ms. Halligan has an impressive background and broad support, and I urge my colleagues to vote for cloture and allow this nominee to receive an up-or-down confirmation vote.

Ms. Halligan has had a distinguished career in both the private and public sectors. She has served as the solicitor general of New York and as general counsel of the New York County District Attorney's Office. She has also been a senior appellate lawyer at the nationally recognized law firm of Weil Gotshal. She has argued five cases before the Supreme Court, where she also clerked after law school. It is no wonder the ABA unanimously rated her ''well-qualified''—the highest ranking to serve on the DC Circuit.

In addition to impressive credentials, Ms. Halligan has broad support. The National District Attorneys Association and district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, and William Fitzpatrick, support her nomination. She is also supported by the New York Association of Chiefs of Police and the New York State Sheriff's Association.

Confirming a well-qualified nominee like Ms. Halligan would also be another step toward expanding the diversity of our Federal bench. Today, women hold 30 percent of Federal judicial seats—from district courts to the Supreme Court—the most at any time in this Nation's history. While this progress is to be celebrated, these words from Justice Sandra Day O'Connor remind us there is more to do:

> About half of all law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers. So they ought to be represented on the Court.

I am proud to support the nomination of Ms. Halligan and hope that my colleagues will join me in voting for cloture today.

Mr. REID. Mr. President, today Republicans filibuster a judicial nominee whose colleagues call her a ''brilliant legal mind'' with an ''abiding respect for the law.''

This nominee to the U.S. Court of Appeals for the DC Circuit, Caitlin Joan Halligan, has outstanding credentials and strong support from across the political spectrum.

She enjoys the support of a bipartisan group of appellate lawyers, former judges, law enforcement officials, and more than 20 former Supreme Court clerks. And she has been endorsed by the National District Attorneys Association, the New York Association of Police Chiefs and the New York State Sheriffs Association.

She graduated with honors from Princeton and Georgetown University Law, where she was managing editor of the Georgetown Law Journal. She served as a law clerk to Judge Patricia Wald on the DC Circuit, the court to which she was nominated, and to Justice Stephen Breyer on the Supreme Court.

She has served New York and this Nation well as a public servant for more than a decade.

Yet Republicans filibustered her nomination.

I ask my colleagues, if this truly exceptional candidate isn't qualified to be a judge in the United States of America, who is?

In 2005, a bipartisan group of Senators came to an agreement to protect the Senate as an institution and the right of the minority to influence debate. Democrats and Republicans averted the so-called nuclear option by agreeing that the minority's right to block judicial nominees would be preserved but it would be exercised only in extraordinary circumstances.

I am concerned that today the Senate is backing away from that agreement. Ms. Halligan's nomination does not meet the standard of an extraordinary circumstance that agreement envisioned.

Republicans, now in the minority, will block a talented, experienced nominee with broad bipartisan support to please a few ideological extremists.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to be recognized for the remainder of the time if no one from the minority side is here to speak against this nomination.

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

Mr. SCHUMER. Mr. President, I rise this morning in support of the President's first and only nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

Caitlin J. Halligan is a nominee any president of any party would be proud of. I know from speaking to her and from getting to know her over the last year—and it has been over a year since she was nominated—that she has earned this honor. She has earned it through dint of hard work and native intelligence. Importantly, Halligan has dedicated most of her professional life to government service.

I challenge anyone in this Chamber to think hard about what we are looking for in a judge to the second most important court in the land. If they do, they must conclude that Caitlin Halligan deserves an up-or-down vote.

Does the President have to nominate a political conservative to clear the hurdle? Halligan is clearly a moderate—far more moderate than many on my side would choose if they were nominating on their own without an advise-and-consent process. Does the President have to nominate a lawyer who has practiced law in the shadows, never addressing a major legal issue of importance to the Nation in her entire career? Because the only arguments against Caitlin Halligan are ''gotcha'' arguments that simply take little snippets of what she did in past law practice representing clients, not her own views, and say ''gotcha.''

In 2005, 14 of my colleagues formed what was called the Gang of 14. In order to reduce filibusters and overcome the push to change Senate rules to get rid of the filibuster, this bipartisan group agreed not to filibuster any nominees who did not present ''extraordinary circumstances.''

Now, ''extraordinary circumstances'' was not defined. But my colleague, Senator GRAHAM, a leader in that Gang of 14 effort, to his credit, said on the floor at the time—completely reasonably—that it meant no ideological attacks. Senator GRAHAM said:

> Ideological attacks are not an extraordinary circumstance. To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.

Caitlin Halligan does not have a character problem or an ethics problem. No one has alleged she does. It is that simple. So if this body cannot invoke cloture on her nomination today, the Gang of 14 agreement, it would seem to me, would be violated.

The approach taken by Senate Republicans will have lasting consequences beyond this one nomination. It seems to me that a vote against this nominee is a vote that declares the Gang of 14 agreement null and void. I was not a party to that agreement, but it would be impossible to deny that it has guided this body's consideration of judges since 2005 under both Democratic and Republican Presidents. If Republicans are going to suddenly junk that 6-year armistice, it could risk throwing the Senate into chaos on judicial nominees. Senate Republicans seem to want to declare open season for filibusters again—at least at the court of appeals level. Admittedly, and gladly, things as of late have gotten much better at the district court level. But the defeat of Caitlin Halligan would throw into chaos nominations at the circuit court level for a long time to come.

Any attempt to paint Caitlin Halligan as so far out of the mainstream that she presents an ''extraordinary circumstance'' is twisting her record far beyond recognition. Any attempt to do so would make any nominee, by a Democratic or a Republican President, susceptible to that unfair charge.

I have always said ideology matters, but I have also said candidates need only to be mainstream—not too far right, not too far left. I don't like nominees who are at the extremes, left or right, because they tend to be ideologues who want to make law not interpret and follow law. Well, Halligan fits the bill of a moderate, mainstream nominee precisely, to a ''T.''

Halligan has spent her career in government in both political and plenty of nonpolitical positions. She has worked as a lawyer's lawyer and has expressed few views on public issues. She has written virtually nothing, but at her hearing she did answer questions. She acknowledged that Executive power extends to indefinite detention of enemy combatants during time of war—something that might be disputed among mainstream Members of this body, particularly if they were citizens picked up on American soil. We just had that debate.

She acknowledged she would act with fealty to text and original intent in interpreting laws and the Constitution. She acknowledged she believes the second amendment protects an individual's right to bear arms, thereby vindicating the Heller case, and she acknowledged that the eighth amendment protects the constitutionality of the death penalty.

Some of my colleagues have tried to paint Halligan because she has filed briefs on behalf of clients, and they say that somehow indicates she would be an activist judge. First, I wish to point out that she is not the first nominee to come before the Senate and state that the views in the briefs she writes of her clients are not her own. Guess who did it regularly and repeatedly. Now-Chief Justice Roberts.

Did Democrats filibuster Justice Roberts because he did that? Did we say the views he wrote on behalf of clients had to be attributed to his own views? Of course not.

I wish to rebut some of the things I heard on this floor this morning about particular cases. First, while she did represent the State of New York against gun manufacturers, those cases were made moot by congressional law. In her hearing, Halligan recognized this and said unequivocally that she supports the individual right to bear arms.

Second, it is simply wrong to suggest that Caitlin Halligan is somehow outside the mainstream on immigration because she filed a brief advocating that businesses should not be rewarded for hiring illegal immigrants by getting out of the requirement that backpay should be awarded when the workers are exploited. Again, this was a brief filed on behalf of a client, not representing her own view.

Third, in the case of al-Marri, there is no argument that Halligan did anything other than make arguments on behalf of a client that were well within the mainstream. The administration abandoned the case and then charged al-Marri in civilian court—no different than the argument Halligan was making.

Why are we arguing about whether she deserves an up-or-down vote? Because, frankly, as with the Supreme Court, this is part of the attempt of the far right to pull the DC Circuit further and further away from the mainstream. Many conservatives tend to decry ''liberal judicial activism.'' But what they really want is judicial activism of the right. They don't want lawyers to be down the middle and interpret law; they want to change the way the whole government has operated for decades through the one unelected body, the article III body, the judiciary.

A truly moderate judicial philosophy shows respect for Congress, for executive agencies that interpret the law, and for well-settled understandings that the American people commonly hold about democracy. There is not a single question that Halligan adheres to these principles. She has extensive government experience. She understands the demands and rolls of the other branches.

She has been a responsible and rigorous advocate for all of her clients, including the people of New York. I have no doubt that as a judge she will be a responsible and rigorous advocate for the rule of law. Anyone who has listened to her answer an hour of questions in the committee and read her responses to the 150 questions that were submitted for the record cannot doubt but that she has an even and modest temperament and philosophy in her approach to legal questions.

Let me cite one example: When she was asked by Senator GRASSLEY her view of deference to the legislative branch, here is how she responded:

> I think that the job of a judge is to examine the constitutionality of a statute when a

constitutional challenge is presented, but I think that authority has to be exercised very sparingly and very carefully.

Time and time again she answered similarly with clear and unambiguous answers.

Some of my colleagues have accused Halligan of lacking candor in her answers. Well, I have sat through a lot of hearings for nominees to Federal courts of appeals, and I know evasion when I see it. Halligan was not evasive. Some of the same people who say she lacked candor still defend Miguel Estrada who didn't answer a single question because he might come before them as a judge.

She answered questions thoughtfully and forthrightly and explained the context of any past statements that might have seemed to have contradicted her current views.

This morning, some of my colleagues on the other side of the aisle pointed to two things that she did not write to try to indicate she has activist views. First, she gave a speech in 2003 on behalf of her boss, Elliott Spitzer, that she did not write herself. In fact, she stepped in at the last minute to give the speech when he could not make it. She did not write it, and she clarified at the time that it did not reflect her personal views.

Second, she was a member of a committee that issued a report on Executive power and enemy combatants. She explained in the committee she hadn't seen the report and didn't agree with either its content or its tone. In her hearing she clearly stated her views on Executive power. This should have cleared up any doubt about her ability to recognize and respect the current state of law.

Finally, I wish to say a word about a red herring argument that has been raised today—that the workload of the DC Circuit is too low to confirm Halligan. I have expressed this concern, too, and, in fact, in 2008 we voted to take away one of the seats in the DC Circuit. It now has 11 judges rather than 12; but I, as well as many of my colleagues on both sides of the aisle have in the past reserved our concern for nominees of the 11th seat and what was then the 12th seat. Halligan has been nominated for the 9th seat. There are only 8 members on that court which now has a roster of 11. The 10th and 11th seats remain vacant. No one ever until now, on either side of the aisle, has ever argued that the DC Circuit should have only eight judges.

I wonder, if control of the body changes, which I don't think it will, or we get a Republican President, which I don't think we will, how quickly our colleagues on the other side of the aisle will abandon that foolish and specious argument.

I am concerned that we are hearing it now for the first time because the current makeup of the court happens to have five Republican appointees and three Democratic nominees.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 1½ more minutes to finish this point.

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

Mr. SCHUMER. When we confirmed President Bush's nominee to the 11th seat in 2005, Thomas Griffith, his confirmation resulted in there being 121 pending cases per judge. We did not hear a peep out of the other side that that was too low. Yet today there are 161 cases per judge. With Halligan's confirmation, it would go down to 143—far more than the 121 when all my colleagues on the other side of the aisle voted for Mr. Griffith, the Republican nominee of President Bush. So there is no reason to argue about caseload.

The fact is, if we cannot confirm Halligan, this will not go down as a vote about caseload, this will be recorded as a new bar for nominees.

In conclusion, when Caitlin Halligan drove with her father from her home in Kansas City to Harvard or when she was a standout student at Georgetown Law School or when she started her work for the New York Attorney General's Office, I am sure she could not have imagined that someday she would be the topic of a debate in the U.S. Senate about whether she was too radical or lacked the candor to be a judge.

I hope that when we vote and the debate is over, my colleagues recognize the truth here: Halligan is a sterling example of a public servant who has worked hard, earned every honor she has received, and fits squarely within the mainstream of judicial thought. She deserves an up-or-down vote today, and I will be proud to cast my vote for cloture on Caitlin Halligan's nomination.

I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Christopher A. Coons, Amy Klobuchar, Al Franken, Richard Blumenthal, Sheldon Whitehouse, Richard J. Durbin, Dianne Feinstein, Herb Kohl, Kirsten E. Gillibrand, Tom Udall, Ron Wyden, Robert P. Casey, Jr., Sherrod Brown, Jeanne Shaheen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 222 Ex.]

YEAS — 54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

ANSWERED ''PRESENT''—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45, and 1 Senator responded ''present.''

Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

(Whereupon, the Senate, at 12:31 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB)).

The PRESIDING OFFICER. The Senator from Florida.

LATIN AMERICA

Mr. NELSON of Florida. Mr. President, I wanted to share with the Senate today what should be a collective outrage because an American citizen has now been held behind bars in Cuba for exactly 2 years.

Alan Gross was working in Cuba under a contract with the U.S. Agency for International Development. He has devoted his career to helping thousands of people around the world, working in development for over 25 years in more than 50 countries.

In Cuba, Alan Gross was trying to make a difference in the lives of people who share his Jewish faith by bringing them modern communication tools. For that simple act, he has now languished in a Cuban prison for 2 years. His health worsens each day and his family, of course, misses him. His wife Judy spoke to him just days ago and said that Alan sounded ''more hopeless and more depressed,'' as one would expect.

The release of Alan Gross must remain front and center in any discussion with or about the Cuban regime. That is why many of us in this Chamber have joined in writing to the Ambassador of Cuba here—and since we don't have diplomatic relations, that individual is called the Chief of the Cuban Interests Section—and asking the Castro regime to immediately and unconditionally release Alan Gross as a humanitarian gesture and a sign of compassion for his family. We have been met, however, with stonewalling silence.

While we remember Mr. Gross and we keep pressure on the Castro regime, the Senate must also fulfill its duties toward the rest of the Western Hemisphere. A case in point: Four countries in Latin America—Venezuela, Bolivia, Nicaragua, and Ecuador—are currently without a U.S. Ambassador. That is the job of the Senate—to confirm appointments of the President. In the case of Venezuela, it is not because we don't have a nominee, it is because, in fact, we are having some trouble with the Chavez government. We have been without an Assistant Secretary of State for Western Hemisphere Affairs since July. It isn't in the interest of the United States not to have these people in place.

The Senate has basically 2 weeks to go if we get out a week before the Christmas holiday—and that is an ''if,'' by the way. During this time, while we go through all of what we have to do in the next 10 legislative days—such as solving the doctors problem, extending this payroll tax cut, appropriations bills, extending unemployment compensation for people who desperately need it, and extending a lot of the tax extenders—we must also fulfill our constitutional duty to consider these important Presidential appointments.

There is one in front of the Senate right now; that is, the Ambassador to El Salvador. Mari Carmen Aponte is the U.S. Ambassador to El Salvador. She is well known all over the United States in Hispanic circles because she has held, as a Foreign Service officer, a number of posts. During the August 2010 congressional recess, the President named her Ambassador to El Salvador. That recess appointment is going to expire at the end of this year.

Before joining the State Department, Ms. Aponte served as Executive Director of the Puerto Rican Federal Affairs Administration and president of the very respected Hispanic National Bar Association.

Typical of the sentiment in Florida, an editorial in a recent Miami Herald editorial expressed support for her confirmation, saying that ''her diplomatic success has earned her the unprecedented support of the private sector and of the most prominent political leaders in El Salvador.'' It was unprecedented that three former Presidents of El Salvador came all the way to Washington to show their support during her nomination hearing.

My wife Grace and I were recently visited by the First Lady of El Salvador. She pointed out all of the terrible events that have taken place in her country: struggling to recover from the tropical depression that made landfall this past fall, the heavy rains that have caused major damage throughout Central America, and the 70,000 Salvadorans still living in shelters. That little country faces many challenges. So if for no other reason than those I mentioned, we do not want to continue into next year without our having an ambassador there. We need to confirm Ms. Aponte as soon as possible so that she can continue exercising the necessary U.S. leadership.

Latin American countries continue to be America's fastest growing trade partners. We need to continue to promote that trade. It helps our economy. It deepens the economic linkages. We can explore clean energy initiatives, and we can help them as they continue to strengthen transparency in government and the rule of law. We need to pay more attention to Latin America, not less. Disengagement is not the answer. This is just another reason we need to confirm this nomination as quickly as possible for Ambassador to El Salvador.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. 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.

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

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

RETIREMENT OF JOHN KATZ

Ms. MURKOWSKI. Mr. President, I rise today to honor a gentleman by the name of John Katz. John is a longtime public servant to the State of Alaska who is set to retire at year's end. John has served Alaska for more than 40 years, working for eight different Governors, Republican and Democratic, liberals and conservatives. He once said he was comfortable serving so many different Governors because the issues for Alaska were consistent. Whether they be responsible resource development, State sovereignty, or Federal assistance with infrastructure, the one constant figure connecting one administration after the next over eight administrations has been John Katz.

John started his career as a high school teacher and coach in Baltimore City public schools back in 1966, following his graduation from Johns Hopkins University. In 1969, he earned his law degree from the University of California at Berkeley. He then moved to Alaska to work as a legislative and administrative assistant to Congressman Pollock and then later for Senator Ted Stevens.

John has truly played many crucial roles for the State of Alaska. He served for several years as the counsel to the Joint Federal-State Land Use Planning Commission for the State of Alaska. He served as special counsel to Gov. Jay Hammond back in 1979, advocating the State's position on the Alaska National Interest Lands Conservation Act, or ANILCA, to Congress. Two years after that, he was appointed commissioner of natural resources by Governor Hammond. Then, in 1983, John was sent by Gov. Bill Sheffield to head Alaska's Washington, DC, office, and he has served as the liaison between the State and the Federal Government for the past 28 years—a pretty remarkable record, if you would consider it. As Alaskans, we know how important his role has been in bridging the very considerable gap between our State and the Federal Government—a key role when more than 60 percent of Alaska's land is controlled by the Federal Government.

You could refer to John as Alaska's fourth Congressman—his 40-year tenure in the league of the late Senator Stevens and Representative Don YOUNG. John's breadth of knowledge and understanding of Alaska's issues have guided him in his very unique role.

Since entering public service, John has been involved in key issues, such as the passage of the landmark Alaska Native Claims Settlement Act back in 1971, the legislation in 1976 which extended America's fishery zones to 200 miles which allowed for the Americanization of Alaska's fishing fleet. There was also the passage back in 1980 of the Alaska National Interest Land Conservation Act, the Nation's largest conservation lands measure. There was the Alaska Railroad Transfer Act back in 1983, the Tongass Timber Reform Act in 1990 and 30 other major pieces of legislation and hundreds of amendments that have greatly affected the lives of all Alaskans.

What is so remarkable about John is that there is no Alaskan public policy issue he did not master, a pretty incredible feat there but no Alaska public policy issue that he did not have his fingerprints on, involved with or have a mastery of.

In 1972, for example, he served for 2 years on the Executive Advisory Committee of the Federal Power Commission, making decisions on electricity generation during a period of rapid population growth in Alaska. In 1974, he published a legal analysis of the Alaska Native Claims Settlement Act and how it should impact Native Alaskans for the Joint Federal-State Land Use Planning Commission. Five years later, he served on the Hard Rock Minerals Commission of Alaska, helping to chart a course for the rebirth of our State's mineral industry. There is seemingly no Alaskan issue too complex or daunting for John Katz.

When I first met John, it was probably somewhere in the early 1980s. At the time, I was a staffer in the office of the speaker of the Alaska House of Representatives in Juneau, and I was immediately taken by the kindness of this gentleman, extraordinarily polite to a very young staffer, but also his intellectual prowess that was shown whether it was a casual conversation or whether it was a detailed policy analysis.

Former Gov. Tony Knowles called him ''one of the most remarkable public servants I've ever dealt with.'' Governor Hammond, during the lengthy debate over ANILCA, called him truly indispensable. Senator Stevens once said: ''He's as near a genius as I've seen.'' I would clearly agree with that. Some of his coworkers have even jokingly called him their own human Google machine, noting that in many cases it was more efficient, it was easier to walk down the hall and ask John for legal and policy background, saving them hours of research, and John had it all there, instant recall and as precise as it could possibly be.

Throughout his career, John served effectively and quietly, always preferring to work in the background, never seeking that limelight. He always presented every side of the issue, never telling any of his superiors simply what they might have wanted to hear. He truly was the consummate professional, a man who never got a fact wrong in a briefing, in a discussion or in a political strategy session. That may have been at least one of the many reasons why he has been so honored during his career, receiving the highest honor of the Alaska Federation of Natives, which is the Denali Award, winning Commonwealth North's 2008 Walter J. Hickel Award for distinguished public policy leadership and receiving more resolutions, commendations, and praise than most in Alaska's history.

John has built a reputation as an Alaskan institution, always loyally serving our beloved State. He has championed oil exploration in the Arctic National Wildlife Refuge, noting the potential benefits for not only Alaska's economy but, more important, for America's overall economic and national security. While John has listed the failure, so far, to persuade Congress to open ANWR as perhaps one of his biggest disappointments, he has always stood by the factually solid arguments for opening ANWR, never letting his passionate advocacy of opening the coastal refuge get in the way of objectively presenting arguments to Members of Congress.

I think it is important to note John's statement in his resignation letter to Governor Parnell. He stated the following:

> Professionally, I have become increasingly discouraged by the polarization and deterioration of the public policy process at the Federal level. It's the worst I've seen during my 43-year career.

That was the statement in John's resignation note. As someone who has relied on John's wise counsel and his wisdom during my 8 years in the Senate, I think this is a poignant remark about the state of affairs in Congress. The debate surrounding our politics has grown more caustic, while ignoring the fact that while we all may take different positions, we all ultimately have our Nation's interests at heart.

John leaves an esteemed legacy that will benefit Alaska for decades to come. We can learn so much from his example of what a public servant should be, and Alaska will deeply miss his presence. I know I speak for all Alaskans in sincerely thanking John for his years of dedicated service and his pragmatic approach to faithfully serving the State of Alaska. I wish him nothing but the best in the future for all his endeavors.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise about the most important job that faces the Senate in the remainder of the year; that is, extending the unemployment benefits for millions of unemployed Americans struggling to find a job.

I wish I didn't have to be down here talking about this today. I wish it weren't necessary to debate whether we should continue the Federal unemployment insurance program. I wish everyone in this Chamber would acknowledge that the recovery is still a work in progress and that we would agree about the critical need to continue to support struggling workers and their families. We have never failed to extend benefits in the past when unemployment was this high. But, unfortunately, in today's hyperpartisan atmosphere, even the most commonsense policies can turn into political footballs, and the unemployment insurance program seems to be no exception.

The extreme right is on the attack, blaming the victims who have been the hardest hit by this economic crisis. In the same breath that they push for more cuts in corporate taxes and cuts in taxes to high-income individuals, Republican leaders argue we can't afford to extend unemployment benefits for people who are struggling to find a job. Congresswoman BACHMANN, a candidate for President, recently went so far to say: ''If anyone will not work, neither should he eat.''

In an economy where there are four unemployed workers for every available job, the cruelty of that comment is simply astonishing. There are 13 million unemployed Americans right now. Actually, I think the figure is probably a little bit higher than that. They are desperately looking for any job they can find, many relying on unemployment benefits to put food on the table for their children.

Six million Americans will be cut off this last lifeline if Congress does not renew the benefits for the long-term unemployed—6 million who will be cut off right after the holiday season. I hope no one in this body on either side of the aisle will say they deserve this additional hardship during this holiday season.

There are real people and real families behind these numbers. They are our friends and neighbors. I have heard from so many of these hard-working people from my home State of Iowa and across the country. Their stories are truly heartbreaking.

A woman from Des Moines recently wrote me:

> I was laid off in July 2011. I recently attended a class at the unemployment office in Des Moines, where I was informed that my unemployment will cease as of December the 31st if any extensions that are currently in place are discontinued. The average person is currently unemployed for 40 weeks, which is much longer than the 26 weeks that is available [without] any extensions. I was the main breadwinner in our family and if my unemployment would cease before I find a job, we would forced to be on welfare, food stamps, and other government subsidies. We would also lose our home. I hope that you consider the many other people that are probably in the same situation as I am and hope that you will keep the current extensions in place.

A woman from Stanton, IA, writes:

> I lost a great job in June of 2010 and have been receiving unemployment benefits since then. . . . If not for the unemployment [benefits], I don't know how we would make it. I continue to look for a better paying job but as you probably know, Montgomery County, Iowa has had the highest unemployment rate in Iowa. It's been tough. . . . Will appreciate your support in extending unemployment benefits as I continue my quest for a new position.

The main reason folks need their benefits to continue is they simply

cannot find new work, even after exhausting their benefits. There are simply not enough jobs in this struggling economy. How can we even think about abruptly terminating these benefits right now, cutting off the last lifeline to Americans in dire need?

A man from Estherville, IA, wrote:

I woke up last week to find my benefits exhausted but no closer to finding a job. I do everything possible to find work but nothing materializes. Age-discrimination is rampant and there is nothing an individual can do about it. . . . Right now, after working since I was 12 years old, I'm facing hunger and hopelessness at 57 years of age.

A man from West Des Moines wrote:

I'm a home designer/architect and have been laid off three times since 2007, after working almost 16 years at one firm. I have now decided to go back to school to try to find a different career in information technology. I hate not having a job, and want to work but there's just not anything out there in architecture. Everyone seems to have circled the wagons and are not hiring. Please help.

A woman from Madrid, IA, writes:

I lost my job (of 32 years) 2½ years ago. I lived off my severance for the first year. Then savings and then went on unemployment. Now my unemployment has run out. I have had a few interview[s] without any luck. I have been working part time for minimum wage and I only get 15 hours a week in. It's the only job that I could find.

This is just a sampling of the letters we get in our office. But it is clear people want to work. They desperately want to work.

Later this week, the committee I chair, the Health, Education, Labor, and Pensions Committee, will hold a hearing to look at the reasons so many millions of workers who want to work are unable to get back to new jobs quickly. We will hear from experts, workers, and community leaders about the barriers facing the long-term unemployed, especially those over the age of 50.

But there are some things we don't need an expert to tell us. We know people can't find new jobs because there are so few jobs out there. As I said, right now, more than 13 million people are officially counted as actively looking for work. But that is an understatement. There are millions more people with part-time jobs, of necessity, who want full-time work, millions more on top of that who have basically stopped looking for work because they think a job search will be fruitless. They have already tried time and time again and they have given up. But if they had a job, if they got a job, they would take it.

When we add up all that, with a number of young people who have not entered the workforce—maybe they have looked for work, they can't find it, they are young, and especially if they are young and African American, the unemployment rate soars to 30 to 40 percent. They can't find a job. If we add that all up, we are talking about nearly 28 million unemployed and marginally employed people in America.

There are many other barriers to reemployment. I have talked about older workers. Not only have many of them gone through their retirement savings, many have lost their home that they spent decades paying a mortgage on, they have been unable to send their kids to college, and on top of that, they face the indignity of being passed over in favor of younger workers simply because of their age.

Again, it is not to say that younger workers have an easy time. I have also many stories of young people, many with college degrees, who can't find work. They are piecing together a meager existence on part-time service jobs that waste the time, effort, and money they have poured into an expensive education. I can't tell you how many young people I have talked to who have a college degree, they are not working in their chosen profession, but they are working at mostly part-time work or at service-oriented jobs that they know will not last them a lifetime, and service-oriented jobs that pay them a pittance compared to what they should be earning with their college degree. Still other workers hear they cannot be considered by employers because they have been unemployed for too long. This is so, even when a recruiter tells them they are perfectly well qualified for the job.

More workers want to move in order to take advantage of a new opportunity they have heard about elsewhere but, guess what, their house is underwater. Not physically. That means they owe more on their mortgage than the house is worth and they cannot sell it. Or they have been out of work so long they have no money left to even afford to move. They cannot even afford to pack up the U-Haul and move someplace.

Still other workers have trouble with transportation or childcare or other day-to-day issues that make it much harder to get an employer to take a chance on them. Someone came up and said to me one time: You know, for people who do not get a job, there are places in this country where there are jobs. They can move. It is a free country.

I said: What about a single mother who has two kids and she relies upon her mother as a babysitter, as a childcare person to take care of the kids when she is out working on a minimum wage job, maybe part time? How is she going to pack up and move those kids when she has, frankly, free help from her mother? These are real barriers that real people face every day of their lives.

These problems illustrate why the long-term unemployed who are working hard and playing by the rules still cannot get a job because of the factors beyond their control. Rather than chastising the victims, we should be giving a hand up to people in their hour of greatest need and help them to get back into the workforce.

This support is critical, not only for the workers and families affected but for our economy overall. Research shows that for every dollar of unemployed benefits that is spent, we generate $2 in economic activity. Why is that? Because this money is not saved, it is not put into a shoe box, it is spent on essentials, helping businesses up and down Main Street in communities across the country. In addition, if unemployment benefits are extended, we will save about 560,000 jobs, according to the Economic Policy Institute.

By contrast, if we fail to renew these benefits, our economy will be deprived of many billions of dollars of economic activity next year. In the end, this will have a negative impact on overall gross domestic product. On the one hand, with benefits we boost our economy with a potent return on investment, we help people in their hour of need, and we meet our moral obligations as a society. But without benefits, we hurt our economy by shrinking consumer demand, by destroying jobs, and we do not meet our moral obligation as a caring government and a caring people.

There is a strong economic case for renewing unemployment insurance, but I also say there is a strong human case for extending the benefits. Where is our basic human compassion? The thought of letting these benefits expire is unconscionable, especially during this Christmas season. After looking for work for at least 6 months but often more, many of these people already have lost their jobs, their homes, their savings, and they are now at risk of losing their last lifeline, the roughly $300 a week they receive in unemployment benefits.

The bills do not stop coming when someone loses his or her job. The rent or mortgage, the electricity, car payments—all have to be made. The family still has to buy food, gasoline, medicine, school supplies, clothes. Unemployment benefits are a lifeline for the millions of folks who are living without an income and trying to survive. These benefits kept more than 3 million people from falling into poverty last year.

We have a moral obligation, those of us privileged to serve in the Senate and the House, to continue the Federal unemployment insurance programs while the economy continues to slowly recover. We cannot allow these benefits to expire. We cannot allow millions of our friends, neighbors, and relatives to sink into absolute poverty and desperation. We cannot fail to take action because that failure will result in families being put out on the street, children going to bed hungry, families left to shiver in the cold of their unheated homes.

I urge my colleagues to vote on this matter as soon as possible. During this holiday season, it is cruel to put millions of unemployed Americans in the position of wondering how they are going to survive come January 1 of next year. Let us renew these benefits for another year. Let us spend the next year doing everything we can to rebuild our economy, create jobs, and

provide employment to everyone who wants to work in this great Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. 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.

ECONOMIC GOOD NEWS

Mr. BEGICH. Mr. President, today I rise to note some good news about the state of our American economy. Hard work clearly remains. We are still recovering from the deepest slump since the Great Depression. But I think it is time to appreciate our recent progress.

Over the past few days and weeks, there has been plenty of positive economic news. Listen to some of these headlines. From the New York Times: ''Jobless Rate Dips to Lowest Level in More Than 2 years.'' From CNN: ''Dow closes with largest gain since March 2009.'' From Reuters: ''Private-sector jobs soar, payroll forecasts rise.'' From the Wall Street Journal: ''Online Sales Reach Record $1.25 Billion on Cyber Monday.''

I know it is far too early to start to celebrate, but I want to tell you a little bit about some of the details of this news. I know back in my State of Alaska, just like everywhere else in this country, people are still struggling to balance their checkbooks; that they face tough decisions about the cost of groceries, basic health care, college tuition for their kids, and just the basic expenses to live. Yet the recent news about our economy is very encouraging.

I want to give those specific examples. On unemployment and jobs, the Bureau of Labor Statistics says total payrolls increased by 120,000 jobs in November as the unemployment rate dropped to 8.6 percent—as the headline said, the lowest level in more than 2 years. Also, the latest news also marked 21 consecutive months of private sector job growth.

I know some will come down and claim, well, that is not good enough. Well, I remember when I first came here, prior to me serving in the Senate, we were averaging about 500,000 jobs being lost every month.

Let me repeat this one statistic: There have been 21 consecutive months of private sector job growth—not led by government job growth but private sector job growth. So it is not robust, but it is growing. Again, that is positive news.

Manufacturing activity climbed in November, according to the Institute for Supply Management. Its indicators tell us manufacturing is continuing to expand—another strong signal of overall economic growth.

The American automotive industry is coming back strong. Think about it again. In 2009, it was literally flat on its back trying to recover. In November of this year, light vehicle sales were up 11.4 percent compared to a year ago. That is the highest sales rate since the 2009 Cash for Clunkers Program, which many here supported.

There is more good news about the automobile industry. Ford says its November sales rose 13 percent. Chrysler Group reported a breathtaking November sales jump of 44.5 percent from a year ago. General Motors reported it sold 7 percent more new cars and trucks in November than it did a year earlier.

On investments and the markets, again, we have an important signal. It is not something you should always judge the economy on, but it is an important piece of it, and so much of middle class-America is tied to the market—maybe your 529 account or your 401(k) retirement program or the personal management of your account or, if you are self-employed, your SEP account. We are all tied to it to some degree.

The Dow Jones Industrial Average closed over 12,000 last Friday and gained 7 percent—just in 1 week. Let me take a moment to describe where we have come from in the market. Last week's closing numbers represent a gain of about 33 percent since early January of 2009—when several other Members and I were sworn in to the Senate. In January of 2009, the market still kept going down. In March of 2009, it dropped to its lowest level, a little over 6,600. Last week's numbers represent a whopping 81 percent increase since 2009. If you take the next step and look at the S&P index, it reflects a very similar gain—up 36 percent since 2009 and, since the dark days of March when it really crashed out, an 82-percent increase. It is important because so much of our retirement is tied to it.

If you read or hear the pundits and politicos here, it is always doom and gloom. I wanted to come to the floor and talk about some of these issues because we are moving in the right direction. We are moving in a positive way, but we don't hear this in the news because good news is not necessarily reported. It may show up one day and then disappear. When a bad thing happens, we hear about that for a week and a half and we are here talking about why it is so bad. But the overall numbers tell us the fundamentals are changing in a positive way.

The other piece, which is consumer confidence, is important because if people and businesses are not confident about the future, they will not invest, spend, or participate in the economy. But it is better.

Last month, the Conference Board's Consumer Confidence Index rose to 56.0 percent, its highest level since July. Americans spent $52.4 billion over the four-day Thanksgiving Day weekend, according to the National Retail Federation. That is the highest total ever recorded during the traditional start of the holiday shopping season. When I was back home for Thanksgiving, I heard this good news from many shop owners. The new Apple store in Anchorage saw record sales, with thousands of shoppers coming through the door, and it was a cold weekend. Sales on Cyber Monday—the first online shopping day after Thanksgiving weekend—rose 22 percent from a year ago. Americans spent another record—$1.25 billion—on that Monday, setting again record sales for Cyber Monday.

On trade, the U.S. trade deficit narrowed from $44.9 billion in August to $43.1 billion in September. That is the smallest trade gap since last December and the biggest 1-month improvement since July, according to the Commerce Department.

Housing is a critical piece of our overall economy, and some say we are in the recession because the housing market collapsed, but there are also many other pieces to the equation. We never hear good news, we hear negative news. There is a lot of work to get new home starts and current inventory off the market, help people who are underwater, and make sure they can stay in their homes and receive the benefit.

The Pending Home Sales Index, a forward-looking indicator based on contract signings—people who are looking at a home to purchase and maybe have entered into a contract and said: I will be purchasing this home in 30, 60, or 90 days from now—was up 10.4 percent in October from the month before. The National Association of Realtors says home sales are up more than 9 percent from the same time last year. Again, is it as robust as we want? No. Is it better than where it was? Absolutely.

Many of the policies that my colleagues and I have fought for on the floor—a lot of times, we make decisions and we move on. We go to the next issue, and we don't have time to reflect on the results of the work we are doing. In the last 2½ years, since the great recession came into play, there have been a lot of good things happening.

As for residential construction—this is, again, people building homes, providing construction jobs, providing a new tax base for communities around the country that need it so they can hire police, firefighters, and teachers—the Census Bureau says it was at a seasonally adjusted annual rate of $239 billion in October, up roughly 3.5 percent from the previous month.

For Alaska—again, while spending time back home, I tried to spend time with the small business community, asking them: What is happening? What do you sense? And what is your confidence level? I had a meeting with a group of small business owners, and one got a loan from the SBA recently. He took advantage of the low cost we were able to implement through legislation we pass here. It helped him get into a new restaurant. Now he employs

120 people in my community in Alaska—Anchorage. Another owner of a video production company had one of the best years ever, and he is doing work for corporate clients who are willing to spend money.

These are all very positive developments. Now, as we approach the end of the year, we in this Chamber need to do our part to keep the momentum moving forward. People watch us, and we squabble over many issues. As I mentioned, all this good news is because of the work a slim majority did over the last 3 years in this body because we believe in the future, in what the potential is of this great country in which we live. Maybe some had different views on what could happen. We believed in what is possible. These statistics show us that belief is now paying off.

As I look at where we are today, we need to continue to make these smart public policy decisions that create a sound economy. We need to do it as best we can in a bipartisan way. What I am talking about now is extending the tax cut for middle-class American families, continuing the tax relief, giving a reduction in our payroll taxes, which is due to expire at the end of the year.

Before any of us leave Washington later this month for the holidays, we clearly have to resolve this issue. In my opinion, we have no choice, and here is why: Unless Congress takes action, the average middle-class family will be hit by a $1,000 tax increase starting January 1.

Economists of all political stripes have called this tax cut critical for America's continued economic growth. They say that letting it lapse could push us back into a deep recession. Truly, that would be unforgivable based on where we are today and how far we have come in a short time—almost 3 years now.

Some on the other side of the political aisle seem unsure about renewing the tax relief—the tax cut aimed at middle-class families and small businesses—this after fighting for massive tax cuts for the wealthy in our deficit reduction talks. If they block this tax cut, about 160 million families will get the news during the holidays that their taxes are going up on January 1. That is simply not fair. It makes no sense just when the economic indicators, as I mentioned, are looking so positive.

As I said, if we don't act, a typical family making $50,000 a year would see their taxes increase about $1,000. But if we pass the middle-class tax cut in 2011, for the 2012 tax year, that same family will get a total tax cut of $1,500. Not only would they see the thousand, but they would get something additional because of the way we drafted this.

Most of that money will go directly into the economy. In Alaska, roughly 400,000 people benefited from the tax cut this year, and they used it to pump about $300 million into the State and local economies—again, the small businesses that I traveled to, a couple of them with my son and his cousin, House of Hobbies and the Bosco store. While they were playing all the games for free, playing the race cars and all that stuff and looking at baseball cards, I was asking the clerk: What does it feel like? There is no question that they said there is a change in the economy in the positive. That is because in Alaska, for example, these 400,000 people had $300 million in their pockets—not the IRS putting it into the Treasury, but they had it and they spent it. And I will be frank about it—after my son and my nephew, his cousin, spent that time on the free road there playing with toys, I spent some money to help my small businesses and the economy. That is what it is about.

This tax cut put $110 billion into the American economy this year. Let me say that again—$110 billion. It is money that could go to the IRS or to middle-class Americans. I think the choice is very clear as to who should benefit from those dollars.

We were elected—as I was from Alaska—to represent all Americans, not just those at the top end but the people who work every day, those whom we see on a regular basis when we go back home or walk out of this building or actually in this building, the people spending time every day working hard to move this economy forward. It is our obligation to continue to do what we can to make their lives a little bit better by lessening their burden of taxes and giving them the tax relief that they deserve and that we should be able to give to them as January 1 rolls around.

I hope that, as we move toward the holiday season, we can continue to give the gift of tax relief to the middle-class Americans—to my 400,000 folks back in Alaska and all of the small businesses in Alaska that have benefited. Let's do what is right and do it in a bipartisan way and move forward in giving continued tax relief to middle-class Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam 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. SESSIONS. Madam President, I understand the President made another speech today, and the speeches he has been giving lately are clever political documents. It is pretty clear his focus has shifted from governing to campaigning, with about a year from now until election day. But our Nation is in a serious financial condition. Our debt is larger than we like to acknowledge it is. Our European friends on the other side of the Atlantic are wrestling with their debt problems, and many of those nations—most of those nations—have debt less than we do as a percentage of GDP. We know, from every expert we have heard testify before the Budget Committee, on which I serve as ranking member, that we must change our path. We are on an unsustainable path, and we cannot continue on it.

Time after time we have had hearings and have heard from experts telling us we have to alter our debt trajectory. We have to get on a sound path. Perhaps it will be a tougher path for a few years, a harder road, but it is the right road, and the road that will lead to soundness in our economy. Prosperity and growth is what we need.

The debt commission President Obama appointed, headed by Mr. Erskine Bowles and Senator Alan Simpson, told us we are on a path to the most predictable financial crisis the Nation has ever been on. They were saying that the unsustainable trajectory of the this country's debt will lead us to some sort of economic catastrophe. It will knock us back into a recession, put us back to where we were in 2007 or 2008, or like what Europe is facing right now. They pleaded with us to do something about it.

The debt commission laid out a plan. I don't agree with everything in the plan, but it said, at a minimum—and there was bipartisan agreement on this—the debt should be reduced. The added debt we incur over the next 10 years should be reduced by at least $4 trillion. They said we should reduce the growth of our debt by at least $4 trillion.

So in the last two meetings in the Budget Control Act, it looks as if we achieved about $2.1 trillion, not $4 trillion, but they all said we needed more than that, because the increase in our debt over the next 10 years would be about $8 trillion to $10 trillion. That is the increase on top of the $15 trillion we have already incurred. This past fiscal year, which ended on September 30, we will have added $1.23 trillion to our debt; the year before that, $1.3 trillion, the year before that, $1.2 trillion—the only three times in history we have had deficits over $1 trillion. It is a very serious situation.

So we have a speech. I just have to say, we tried to look at the speech to see what it is that the President has proposed. He is our leader, our Commander in Chief. We only have one Chief Executive, one Governor, one mayor. I see Senator MANCHIN here. He was a Governor. He had to manage the State and exercise leadership.

So what is it this Executive, our President, is proposing that we do? Well, it is pretty clear. It appears that he is proposing that we spend next year $324 billion more than we planned to spend. He calls it a tax cut or maintaining a tax cut. In truth, it is a holiday from paying into our Social Security pension that all Americans pay

into as they work. It is a holiday from that.

Well, where does the money come from? We have a trust fund, Social Security, that we pay into, and we have a promised benefit when we retire. We want to honor that and make sure the Social Security trust fund is able to honor that. How do we not pay into it without hurting or damaging the Social Security trust fund?

They say: Well, don't worry. We will put the money in. Who is ''we''? Well, ''we'' is the United States Treasury. The United States Treasury will put the money in. But the Treasury is projected by the Congressional Budget Office to run a $1 trillion deficit this year, a little bit better than the $1.23 trillion deficit that we ran last year.

So we are running a $1 trillion deficit. We don't have any money in the Treasury to pay to Social Security. So how do we honor the Social Security trust fund? How do we put the money in? Well, we give bonds. Just an IOU. The United States Treasury, as easy as pie, signs a document, an IOU, gives it to Social Security, and says: You are made whole. Don't worry; no problem. What? Me worry? We have it under control. Where does this come from?

Social Security is on a trajectory that is going to call this debt. The trustees are going to need this money to pay our beneficiaries, and they are going to call the debt to the United States Treasury and the United States Treasury is going to have to pay it, in my opinion, unless we totally abandon our responsibility to the seniors in America. I don't think we will. So we are going to pay that money, and it is added to the debt. This year, under the President's plan, beginning in January, he will add $324 billion in debt.

What the Bowles-Simpson Commission was all about was laying out a plan to reduce our debt, not increase the debt. The first thing we have to do to confront a surging debt in America is to quit digging the hole deeper, quit asserting new programs to spend larger and larger amounts of money. It would also add $155 billion the second year. So it would total $479 billion over the first two years.

So they say: Well, we have the Treasury figured out. We will have a tax increase. We will raise taxes, and over 10 years that will pay for the $479 billion that is added to our debt right now. There will be enough money coming in—don't worry—over 10 years from this new tax.

Well, I will just say a couple things about that. If we are going to raise taxes, what the bipartisan Debt Commission told us was, use it to pay down debt. Don't use it to fund a new spending program of $479 billion. If we are going to cut spending somewhere in the program to save money, let's begin to reduce our debt. Don't just cut spending so we can create a new spending program.

We have to watch what we are doing. I don't believe it has been thought through carefully where we are headed, and I don't see anything in this speech today that will lay out a 2-year, 5-year, 10-year plan for making America a stronger and better place.

But, we are told, the President cares about the middle class; and if we question any of these schemes, then we don't care about working Americans. I reject that. That is offensive to me. I totally believe that I represent the cross-section of people in my State and America. I love and respect the working people of this country, and they are entitled to better. They are entitled to leadership that tells them the truth. The truth is that we are endangering their future and their children's future by allowing the most incredible debt increases that the Nation has ever seen, and that has to be brought under control.

It is offensive to suggest that if someone has a different view about how to create jobs and wealth in America, they don't care about the people who make America great, people who go to work every day, people who send their children to defend this country and pay their taxes and obey the law and do things right and support those who are in trouble and need help.

I would propose this, more specifically—and I think the Republican plan touches these very issues in an effective way that would, in fact, increase and enhance job creation and economic growth in America.

First, we need policies that reduce the cost of energy for Americans. We have an Energy Department and an Interior Department that seem to believe their goal in life should be to drive up the cost of energy: to make coal and natural gas harder to produce, make oil more hard to produce, make us have to buy it from abroad when we could produce more at home, creating jobs in this country, creating wealth in this country, creating taxpayers in this country.

We need more American energy. We need more energy at lower prices. The idea that somehow we are going to be better off because of carbon or other issues to have higher energy prices so we use less of it is totally unjustified, and it is creating an incredible burden on working Americans.

We need to end the health care proposal that is clearly driving up health care costs. It is causing businesses not to hire. I have talked to small businesses in my State. They assure me with absolute confidence that the health care bill that will be taking effect, and is beginning to take effect, will cause them to hire fewer people. We need more people hired. We need more people working. We need to eliminate unnecessary, counterproductive governmental regulations that drive up the costs of our products, making them less competitive in the world marketplace. We need to do that. It will not cost the Treasury any money, but it will make America more productive and create jobs.

I supported and worked with my Democratic colleagues, and we passed in this Senate—but the President didn't support it—legislation to demand that China treat its currency in a fair way to eliminate the currency manipulation they have been participating in and to eliminate the unfair hammering, savaging of American industry that is occurring in this country as a result of unfair trade. That is very real. It has to end, and the President needs to be leading on that. It would create jobs in our country without adding to our debt.

Finally, the greatest threat to our economic growth and to our job creation in America is the debt itself. It is the cloud over our economy. We have to do more about it.

There is one more thing I would mention; that is, tax simplification and tax alteration. Not to necessarily get less taxes but to create the tax revenue that the government takes in in a way that does not damage the economy. Create a tax simplification plan that would encourage economic growth and prosperity and not pull down economic growth and prosperity. So once we have done those things, we begin to focus on reducing our surging debt. If we do it steadfastly, like Governors all over America—Governor Bentley in Alabama is having to face challenges and is making tough decisions. But the State is still operating. It hasn't sunk into the ocean. Neither has New Jersey. Neither have other States. Even New York and others are beginning to confront their debt situation and make tough choices.

We are not doing it here. Our President is proposing more spending—not just this $324 billion plan for this year, he is proposing to spend 10 percent more on the Education Department next year, 10 percent more on the Department of ''anti-Energy,'' 10 percent more for the State Department at a time when the country is in its most severe debt crisis in its history. That is not responsible. This debt is a threat to us.

If we talk to the financial experts and the wizards who move money around the world, they are worried about it. If we talk to government experts such as the Secretary of the Treasury or the Federal Reserve Chairman or the head of the Congressional Budget Office, they tell us what we are doing is dangerous, that we are on an unsustainable path. I do not see in this speech today any commitment, any leadership from the President on this fundamental issue. The most fundamental failure of his leadership is not to look the American people in the eye and to tell them honestly and truthfully that we are spending too much.

Back in Marion, AL, I was at a town meeting at somebody's house with 30 or 40 people there. The oldest gentleman there spoke last. He had fought in World War II. He grew up during the Depression. He told us, in his view, it was not the high cost of living that was

getting us in trouble but the cost of living too high.

I do believe we have been living too high, and we have been spending too much. The President—our leader—should be talking directly and honestly to us and laying out a 2-year, 5-year, 10-year plan that will bring this deficit down. He should be explaining to the American people why we are all going to have to tighten our belts; why there is nothing—defense or anything else—that is going to avoid having to tighten its belt. We can do this and put our country on a sound path without having a debt crisis that would be a tragedy of monumental proportions.

Madam President, I just wanted to share those thoughts today. This Congress is going to have to do more than tread water for the next year. We are going to have to do more than just play clever political games. We are going to have to deal with the threat we face directly and honestly.

The proposal I see that was floated again today from the White House may sound good politically. But for me, as one who has been looking at the numbers, it does one thing: it increases the debt over the 2 years by $479 billion. That means probably this year's deficit will not be $1 trillion but probably $1.35 trillion—1,350 billion dollars—this year's deficit. We are promised that there will be a tax increase that, after 10 years, will somehow pay for this.

That is the kind of thinking and action that has allowed this country to get out of control financially, and I hope we can do better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

NATIONAL MINER'S DAY

Mr. MANCHIN. Madam President, I rise today to mark a truly important day for my State, and indeed this entire nation.

December 6 is National Miner's Day, a time when we stop to honor our nation's coal miners and remember those who have done so much to make this great country what we are today. These brave men and women work every day to meet the challenge of keeping our great nation free and strong, and although the history of mining has been marked by hardship and tragedy, the bravery of our miners has never faltered.

It is so fitting that today we also learned—just this morning—of a landmark settlement of more than $200 million in one of the worst mining tragedies our State has faced.

April 5, 2010, 29 miners lost their lives in the Upper Big Branch mine, which was then owned by Massey Energy. Today, the U.S. Attorney for the Southern District of West Virginia, Booth Goodwin, announced an agreement with Alpha Natural Resources, the company that purchased the Massey mines.

This comprehensive and forward-looking settlement takes the right steps to truly protect our miners. By investing more than $120 million of this settlement in mine safety—including improvements to existing mines, a new West Virginia safety training facility and a research trust—this agreement demonstrates that the government and the company are serious about creating a true legacy of mine safety.

While nothing can replace the beloved miners who we lost that terrible day, today's agreement shows that we all have zero tolerance for anything corporations do—or don't do—that leads to a mine fatality.

As I have always said, at the heart of this tragedy is the simple fact that we must do everything in our power to never, ever allow any worker to be in the position where this could happen to them or their family. Especially since today is National Miner's Day, my thoughts and prayers are with the families of the 29 miners who died at Upper Big Branch—and I want to assure the families that the loss of their loved ones will not be in vain. Every worker should know that when they kiss their children goodbye in the morning that they will return home at the end of that shift or the end of the day to kiss them goodnight.

I thank U.S. Attorney Goodwin and his entire team for their skill and dedication in negotiating this settlement that focuses on safety and training in the future. I also thank Alpha Natural Resources for rising to this occasion and meeting these terms. Even though Alpha did not own the Upper Big Branch mine at the time of the disaster, I applaud the company for taking responsibility for both the mistakes that were made and for investing in the future of mining to help prevent another tragedy like this from ever taking place. I encourage them—and all our mining companies—to continue to take steps to protect our miners.

In addition, I am pleased that this agreement does not impede the families from pursuing additional civil remedies and does not prevent the authorities from prosecuting individuals whose actions may warrant criminal charges. There should be no immunity for anyone who is determined to be responsible in any way for the tragedy at Upper Big Branch.

April 5, 2010 was one of our State's most heartbreaking days. I hope and pray that we will never again endure a tragedy like the Upper Big Branch deaths, and I will work every day to make sure that we don't.

Today we also remember the 104th anniversary of the Monongah Mine tragedy, our Nation's worst mining disaster—one that took 362 brave souls.

So on this day, it is fitting to pay our respects and show appreciation for the miners of yesterday and today. We need to recognize the contributions of past miners who have led us to where we are now, and today's miners who keep traveling deep into the darkness to provide millions of Americans with the electricity that powers our lives and the steel with which we build our Nation.

Without these men and women, our world would look very different. They are the true backbone of our country. Our miners extracted the coal that powered military ships in World War I and World War II—and every conflict since.

Coal provided the steel to make our country the greatest industrial power in the world, ushering in prosperity that built our infrastructure and developed a quality of life that became and is still the envy of the world. Coal provides nearly half of the electricity in our country and every day millions of homes are warm, safe and full of light thanks to coal.

Think for a moment. Try to imagine our country if there had been no coal. It is almost inconceivable.

Coal is mined all over our great Nation. I thank all men and women everywhere who work in this industry, but I can speak personally about our brave and hardworking miners in West Virginia. The miners of West Virginia and their families are the heart and soul of the Mountain State and truly an inspiration for me.

Extracting minerals from the earth is not for the faint of heart. This work requires engineering brilliance, nerves of steel and fearless dedication. West Virginia coal miners continue to set the bar for productivity, quality, and innovation. Their work ethic is second to none. Coal miners are not looking for a handout. All they want is a work permit so they can go to work, earn a good wage, and provide for their families.

And coal miners are much more than just the work they do—they are some of the most loyal, brave, trusted, and patriotic folks that you could ever meet. Like their fellow West Virginians, these folks can shake your hand, look into your eyes, and touch your heart. Our coal miners love their families, the outdoors, their communities and their State. These miners work hard every shift, but if they get home and find a person in need, their day begins again. If you are hungry, you will be fed; if you are lost, you will get directions and then an escort to your destination. That's just the kind of people we are, and that makes me so proud every day to be a West Virginian and have the honor of representing them.

I will continue to tell our State's story when it comes to 'coal. And I will constantly work with my colleagues on both sides of aisle to develop technology that allows us to continue to use American coal to help achieve energy independence for our great country—which will ensure our national security and grow our economy. The simple fact is: This country needs coal and our coal miners are still willing and able to do the job.

So today it is my privilege to say thank you for the job that our brave coal miners perform. This Nation was

built on the backs of our coal miners, and all of us should thank them not only today but every single day of the year, and every year to come.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I came to the floor to speak about Richard Cordray's nomination to lead the Consumer Financial Protection Bureau, but I wish to acknowledge the remarks of Senator MANCHIN. We have coal miners in my great State of Colorado. They are particularly located in the northwestern section of our State. They are hardworking. They are patriotic.

We have some of the cleanest coal in the world. It is used all over our country and exported to many countries around the world.

I thank him for his remarks and for drawing attention to their accomplishments and their contributions to America.

Mr. MANCHIN. I thank my colleague.

NOMINATION OF RICHARD CORDRAY

Mr. UDALL of Colorado. Madam President, I come to the floor to put in a word for Richard Cordray, who has been nominated to lead the Consumer Financial Protection Bureau, which is otherwise known as the CFPB. Nearly 2 months ago, I urged our leaders to prioritize a vote on the nominee because without a Director of the CFPB, there is important consumer protection work being left undone. It is work that would benefit hard-working Coloradans, those citizens of New Hampshire, and families all across our Nation.

I wish to begin my remarks by thanking both the majority leader and the Republican leader for moving to this important nomination. After having done that, I wish to turn and speak directly to Coloradans and any other Americans who may be listening. We get up here as Senators, and we will talk about this agency or that agency. Frankly, at times it sounds as if an alphabet soup. But this agency is not just another alphabet agency. The CFPB may be one of the most important Federal agencies we have, and it should be allowed to open its doors fully and begin the important work of protecting our consumers. The CFPB was created in the Wall Street Reform and Consumer Protection Act to protect American consumers from predatory and unfair financial practices. It was chartered to prevent the same kinds of abuses banks and other large financial firms engaged in as they drove our economy into the ditch just a few short years ago.

When we look back at the financial collapse in 2008, many of us still cannot believe the largest banks and financial institutions in our country were able to put our economy at such risk. As drastic measures had to be taken and billions of dollars invested in these firms, it certainly didn't seem fair that banks and other financial institutions should get taxpayer help after having taken advantage of the good intentions of American consumers and, as a result, tanking our economy.

The truth is we were forced to act in the Congress or even worse financial troubles awaited us—in fact, potentially a worldwide financial depression. That is why the Congress created the CFPB, to ensure that kind of abuse never happens again. When we passed the Wall Street Reform Act, Congress made clear its intent to create a watchdog with the responsibility to make the financial marketplace safe for consumers.

I think the Presiding Officer would agree that is something we should all want, to make sure Americans are not being taken advantage of by big businesses and Wall Street bankers, to ensure someone is looking out for the little guy, to ensure there is slightly more of a level playing field for the Americans who play by the rules.

Unfortunately, it is not. Many of our colleagues are raising a host of issues related to one central argument, that the CFPB will not be accountable to Congress and it will go hog wild in its efforts to look out for hard-working Americans. Yes, that is right. They argue the CFPB will have too much power to protect consumers. I know that seems strange to hear, especially after the banking sector abuses nearly sent our economy down an irrecoverable path and millions of Americans saw many of their investments and much of their net worth disappear overnight. But, yes, some of our colleagues actually want to weaken the consumer protections that were included in the Wall Street reform bill which, by the way, is the law of the land. In order to make sure that happens, they vow to block, to filibuster all nominees to head the CFPB, regardless of who they are. There have been blanket statements made at the front end of this effort that whoever the nominee is, that person will be blocked.

It strikes me that by doing that, they think they are going to deny the CFPB a Director and that will erode the Bureau's effectiveness and make it easier for banks to operate without limitation. That is precisely why we have to overcome the filibuster that is being waged against Mr. Cordray right now. Without his leadership and a strong CFPB to look after the interests of consumers, we are going to put the financial security of hard-working American families at risk and the country's economic recovery at risk. By failing to give the CFPB a Director, a confirmed Director, we are actually reducing oversight of predatory lending and deceptive banking practices. These are practices that in no way help our economy or our economic recovery.

I do not think I am stretching the facts saying this. Deceptive financial practices continue to threaten Americans every day, and we can do more to ensure these abuses are brought to an end. Let me focus on one particular area.

Credit reporting agencies continue their deceptive ads on Web sites with misleading names such as www.freescore.com and www.freecreditscore.com that lure people into a costly credit monitoring service. They do not offer free credit scores at all. Instead, what they do is they take the person's credit card number and then they begin charging them a monthly fee. It is a similar hustle that many other too-good-to-be-true Web sites offer. The problem is this deceptive ad strikes at the heart of America's personal financial health. A person starts by doing the responsible thing—trying to check their credit score—but the next thing they know their credit card is being charged and they don't have that important data tied to their credit score.

The point I am trying to make is without a confirmed director, the CFPB has diminished power to investigate the actions of the major credit reporting agencies and pull down these kinds of deceptive ads. That doesn't make any sense to me. It is sort of what Coloradans have been asking me, along these lines: When are you guys in DC, when are you guys in the Senate going to side with us and stop always looking out for the big banks?

In these tough economic times, we need to do all we can to block such dishonest advertisements and help empower consumers to avoid these financial traps. The CFPB is the best way to accomplish these important goals, but it needs a director to be able to act.

As some watching today know, and I hope Coloradans know, the Wall Street reform bill contained a bipartisan provision I authored that now requires lenders and other creditors to actually provide consumers a free credit score when their score is used to deny them credit or they are offered credit with less favorable terms.

I authored this provision because credit scores are the most important and influential measure of a consumer's creditworthiness. As millions of Americans continue to work to repair their credit status in the wake of the Nation's worst financial collapse since the Great Depression, it is my belief that the CFPB must fully implement its congressionally appointed oversight of consumer credit scores and related products to stop deceptive advertisements and other setups. So I will say it again: In order to carry out this mission, the Senate must confirm a director to head the CFPB.

The Consumers Union—one of the leading consumer advocates in the United States—is urging Congress to confirm Mr. Cordray so the Consumer Financial Protection Bureau can tackle other critical consumer protections such as reducing the penalty fees and punitive interest rates banks can charge, requiring credit rating agencies to maintain accurate consumer credit files, and investigate and fix errors reported by consumers. I know the Presiding Officer has heard stories about consumers who are operating in good faith and then they come to find out their credit files are not accurate and they are penalized because of that situation. The CFPB could require credit agencies to maintain accurate files.

Finally, the CFPB could police the mortgage market to stop scams against consumers and prevent the return of the toxic loans and the dangerous lending practices that led to the foreclosure crisis and, ultimately, the recession.

I don't think I am overstating the situation when I say there are still a slew of unsafe financial products and services in the marketplace. When consumers are lured into those traps, they then can get into a high-interest debt situation, and then that affects all of us. It affects our economic health more broadly. So the CFPB would be given the capacity to tackle these abusive and deceptive practices and then be on the lookout for the next breed of financial scam.

For these reasons, it is my hope the Senate will take action quickly to confirm Mr. Cordray's nomination and then put in place an effective consumer financial watchdog to ensure Americans get the tools they need to take control of their own financial destinies. It will help our economy; it will help Americans; it will help small businesses. This is the right approach. Let's confirm this gentleman to head the CFPB.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

HONORING FATHER EMIL KAPAUN

Mr. MORAN. Madam President, a few weeks ago, in November, in communities across our country, our Nation's men and women in uniform were honored on Veterans Day for their service to our Nation. I wish to share a story with my colleagues of one exceptional Kansas veteran who is no longer with us but whose story stands as a lasting tribute to the members of our Armed Forces whose courage and sacrifice preserve our freedoms.

Father Emil Kapaun was born in Pilsen, KS, in 1916 and served as a Catholic priest in the diocese of Wichita for 4 years before volunteering for the U.S. Army in 1944. During the Korean war, he served as a chaplain for the 8th Calvary Regiment of the First Army Division.

His courageous actions in the Korean battlefields saved countless lives as he ran under enemy fire to rescue wounded soldiers. When Father Kapaun was taken prisoner in 1950, he continued to live out the Army chaplain motto: ''For God and country.''

In the bitter cold of winter, Father Kapaun carried his injured comrades on his back during forced marches through snow and ice, gave away his meager food rations, and cared for the sick who were suffering alongside him in the prison camp. When all else looked hopeless, this simple priest from Kansas rallied his comrades, regardless of their faith, to persevere, until his own death as a prisoner of war in 1951. This good man distinguished himself by laying down his life for the sake of others.

Earlier this year, Senator ROBERTS and I introduced legislation to award this Kansas war hero the Medal of Honor for his acts of valor in the Korean war. The legislation would request and provide the Department of Defense and the President with the authority to grant this important honor. By waiving the 3-year statute of limitations—the timeframe in which it can be awarded—Father Kapaun would be eligible to receive the Medal of Honor.

Senator ROBERTS and I offered this legislation recently as an amendment to the Senate Defense authorization bill and the amendment was unanimously approved by the Senate. I thank Senators LEVIN and MCCAIN for their support. My Kansas colleagues in the House were also successful in including this language in the House version of the National Defense Authorization Act, and I ask that with such strong support from both Chambers this provision be included in this year's final Defense authorization bill.

Father Kapaun is most deserving of the distinguished award and I am hopeful the Secretary of Defense and President Obama will use the authority outlined in this legislation to give Father Kapaun his long overdue recognition.

At this special season of the year, we are reminded that there are saints and heroes throughout the history of our Nation who put others above themselves and live by God's plan for their lives. May we be inspired by their example and live our lives accordingly. Father Kapaun demonstrated that one person can make a difference and help change the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

WORK WELL TOGETHER

Mr. ALEXANDER. Madam President, I wish to speak this afternoon about a lesson that Washington, DC can learn from Maryville, TN, which is my hometown. It is a lesson that most of us learned in kindergarten and I learned in my mother's kindergarten, which was in a converted garage in our backyard, and it was three words: ''Work well together.''

The latest example of that was all over the sports pages of my hometown on Sunday: ''Historic Championship: Maryville Wins the 13th State Title—Most Ever.'' Our football team has learned to work well together. They earned their second consecutive State championship, as the newspaper said. They beat Memphis Whitehaven. I watched the game on statewide television. Their record this year was 15 and 0. It was their ninth State title and ninth perfect season under an extraordinary coach, George Quarles, who has won 179 games and lost 13 in his career in Maryville. This is the most State titles of any school in Tennessee's history. The team scored 35 or more points in 109 of Coach Quarles' first 191 games. Maryville has averaged 30 or more points in 12 of its 13 seasons under coach Quarles and its senior quarterback this year, Patton Robinette, who has scholarships from good schools everywhere, was named the Gatorade Tennessee Football Player of the Year, part of which has to do with his academic credentials. He has a straight A-plus average.

This leads me to the second thing they work well together on in Maryville, TN. The Maryville city schools were named the best overall school district in the State, based on their academic performance, by the State Collaborative on Reforming Education. The Maryville city schools recently received all As on their State math, reading, social studies, science, and writing assessments. According to the Tennessean, Maryville city schools have the second highest test scores in the State in reading and math. The high school was selected as one of three finalists in the prized category of high schools ''based primarily on student achievement gains and progress over time.'' More than 80 percent of Maryville High School students were proficient or advanced in math, 88 percent in reading/language arts. More than 90 percent graduated in 2010 from the high school. Four seniors were National Merit semifinalists. 48 percent of Maryville High School students who took the ACT college prep test last year met all four benchmarks for college and career readiness—English, math, reading, and science—compared to 15 percent Statewide and 25 percent nationally. So the football team and the students have learned to work well together, academically and athletically, at Maryville High School.

How did this all happen? I know a little bit about this. I am a proud graduate, as the Presiding Officer may have suspected by now, of Maryville High School. I have wondered about this for a long time: How could it have had such success in so many things? It is not the richest town in the State by a long shot. Most families in Maryville would describe themselves as middle income.

One indicator of why they succeed and why they achieve so much excellence in so many ways in their schools

is that the town devotes about 70 percent of its budget to its schools. It is in a county where about half the citizens—50 percent of the citizens of 100,000 in Blount County—have a library card. It is a place where—at least it was when I was there—if you get in trouble at school, you get in trouble at home. I can remember being called to the principal's office and administered pretty stern discipline when I was in the eighth grade, and I received the same treatment when I got home, even though my father was chairman of the school board. So there was none of this business about parents blaming the teacher and the principal for what the child had done.

But I think the school principal, who is new to the town—Greg Roach—said it best. I saw him being interviewed at half time during the football game last Saturday night.

He was asked: How did this happen? How did you have this champion football team more than any other school in the State and then you are named the best school district in the State? How can you do that all at once?

He said: Well, it is a town school and when something happens, everybody shows up.

Well, they showed up at Tennessee Tech for the football game last Saturday night, but they also show up at the annual academic awards banquets. I have been to those, and over the last several years it is more like a sporting contest, with this student winning the Spanish championship and this one doing well in Latin and getting the same kinds of honors, awards, scholarships and pats on the back that football players do.

This emphasis on excellence in education and athletics is not something new to Maryville, TN. My grandfather sold his farm in the county to move into town so that my father could go to school, and my aunt said my father felt as though he had died and gone to heaven when he had that opportunity. My father, who was an elementary school principal after World War II, ran for the city school board with four other men and women and they stayed on the board as a ticket. They were elected every year as a ticket. They stayed there for 25 years, with the whole objective of improving the quality of the education in the Maryville city school system.

While all that was going on, my mother taught in the preschool program—really the only one in our county at that time, although I think Mrs. Pesterfield also had a preschool program. But Mrs. Alexander's—I used to call it lower institution of learning—had 25 3- and 4-year-olds and 25 5-year-olds in the afternoon. She was lobbying the whole time to the school board on which my father served to put her out of business and start a public kindergarten, which they eventually did in our State.

I used to talk about the Maryville schools and the community of Maryville when I was running for President 20 years ago, and my friend, Bill Bennet, who was also a U.S. Education Secretary, was chairman of my campaign. He would say to me: LAMAR, not every community in America is Maryville, TN, and I know that. I know that. But I think a lot more could be. There are a lot of theories about what makes a good school, but I think Principal Roach may have it about right. It is a town school, and when something happens, everybody shows up.

I think our new speaker of the house in Tennessee, Beth Harwell, had it right too when she observed that our State legislature finished work early. They had some disagreements but worked well together, got some results, and she said they learned in kindergarten to work well together, and that maybe that would be a good lesson for Washington, DC.

Well, I think Speaker Harwell is right. The example of the Maryville football team and the Maryville students is also right. When everybody shows up when something is going on, and when people work well together, good things happen. Working well together—in our case, bipartisanship—is not a goal, just as working well together was not the goal of the football team. They wanted the championship. It was not the goal of the students. They wanted the scholarship. But they knew they had to work well together as a community to get a result.

They got a championship football team. They got the best school district in the State. Perhaps that is a lesson for the Senate as we seek to take the very difficult responsibilities we have and earn the respect of the men and women of this country who hired us and sent us here to solve problems.

That is why today I would like to celebrate the success of the championship football team of Maryville High School and the championship school district of Maryville, TN, and suggest their lesson of working well together might be a good lesson for us.

I yield the floor.

PRESERVING ELECTRONIC RECORDS

Mr. REID. Mr. President, I was pleased to see that the President of the United States has issued a memorandum directing executive branch agencies to reform their records management. The goal is to improve performance, promote accountability, and increase government transparency by better documenting agency actions and decisions. The President's memorandum noted that the current Federal records management system is based on an outdated approach involving paper and filing cabinets, and it outlines a framework for moving the records management process into the digital age by including plans for preserving electronic records. This issue was highlighted in a recent report of the National Archives and Records Administration, which warned that Federal agencies have done a poor job of managing the increased volume and diversity of information that comes with advances in information technology.

I commend the President for taking this action, and I am pleased to say that the U.S. Senate is already carrying out the practices for its own records that he has recommended for the executive branch. Over the last 10 years, the Senate has preserved an average of 3,000 to 4,000 feet of textual records for each Congress. Those paper records have been supplemented by 2.5 terabytes of electronic records. The Senate's electronic records are being preserved at the Center for Legislative Archives within the National Archives.

With guidance provided by the Secretary of the Senate, 75 percent of all Senate committees are now engaged in archival preservation of their digital records. Several Senate committees have responded to the increased volume and complexity of electronic records by hiring professionally trained archivists to appraise, describe, and transfer these materials.

The operations of every Senate office have been transformed over the last decade. Our greater reliance on electronic communication and records systems has increased the need for preservation planning. Just as the paper records of the U.S. Senate, dating back to 1789, have been carefully archived, records generated digitally in the 21st century will require diligent attention if they are to survive for future use.

TRIBUTE TO EARL AND OPAL WILLIAMS

Mr. MCCONNELL. Mr. President, I stand today to pay tribute to a fine and blessed couple, Mr. and Mrs. Earl and Opal Williams of Laurel County, KY.

Earl Williams and Opal Morgan grew up less than 20 miles apart Earl attended Bush High School located east of London, KY, and Opal attended Hazel Green High School west of London—yet their paths never crossed at the time.

However, when Earl was 24 years old he set out for Kinzua, OR, some 2,500 miles away where he began working for the Kinzua Pine Mills Company. ''In those days you could not get any work locally, you had to leave home and usually go a long ways to find work,'' Earl recalls.

As fate would have it, a short time later Earl and Opal met after Opal traveled to Kinzua to visit her father, who was also employed by the Kinzua Pine Mills Company. Eventually, Opal took a job in a local factory and decided to stay in Kinzua. ''Our courtship was about normal,'' Opal says. ''We dated for about a year and got married December 22, 1949, in Goldendale, Washington.''

In December of 1954, Earl and Opal returned home to Laurel County, KY, after spending 2 years in Indianapolis, IN. Earl began a career with Water

Softener Rental, a company Earl bought into and then later purchased outright from his partners, while Opal stayed busy making a wonderful home in the house the couple built on the ''Old Williams' Farm,'' a house Earl is especially proud of. ''This farm belonged to the Williams family during the Civil War,'' he boasts.

Earl and Opal were married for 7 years before they were blessed with four children, sons David, Joe, and Phillip, and daughter Amber. The couple is not shy about explaining that their children have been the highlight of their lives. ''We enjoyed our boys,'' the couple says, ''but we were ready for a girl when Amber came along.''

These days Earl and Opal stay busy tending to their three grandchildren and one great-grandson several days a week, and Earl still drops by the office daily to ''check on'' his sons. The couple, who have been married for over 61 years, claim that their faith and dedication to their church, Lick Fork Community Missionary Baptist, has played a major role in the success of their lives and marriage over the years—the two have been members of the church for over 50 years. ''It has been a good life,'' Opal says. ''We got married 61 years ago to stay married. We never thought of divorce like young couples do today.''

Mr. President, Earl and Opal Williams have shared an incredible journey together, and their faith in each other, their family, and their church has given them a wonderful story to share. Earl and Opal's life together serves as an inspiration to the people of Kentucky, and I wish them many years of further happiness. The Laurel County-area publication the Sentinel Echo recently published an article to share the Williams' story with the rest of our great Commonwealth. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Sentinel Echo, Winter 2011]

FINDING LOVE IN A FAR OFF PLACE

(By Sue Minton)

Earl and Opal were not high-school sweethearts. They did not know each other as teenagers. Both grew up in Laurel County, on opposite ends of the county and attended rival high schools.

Earl Williams grew up east of London and attended Bush High School. Opal Morgan grew up west of London and attended Hazel Green High School.

Less than 20 miles separated the two. They may have seen each other at box suppers, the movies or social gatherings, but did not take notice.

''In those days you could not get any work locally, you had to leave home and usually go a long ways to find work,'' Earl said.

For 24-year-old Earl this was Kinzua, Oregon.

And it was in this lumber company-built town, 2,500 miles from home, that Earl did take notice of Opal.

The couple met in Kinzua where Earl was working for the Kinzua Pine Mills Company.

''Kinzua, Oregon, was built by and for the Kinzua Pine Mills Company,'' Earl said. ''It was a company town, everything was owned by the company, all the stores, even the houses we lived in.''

Opal went to visit her father, who also worked for the company, and stayed on after meeting Earl, getting a job in a local factory.

''Our courtship was about normal,'' Opal said. ''We dated for about a year and got married Dec. 22, 1949, in Goldendale, Washington.''

''About all there was to do in this little town was go to the movies,'' she said. ''They showed the same movie all week. So we went once a week.''

Opal recalls the company having a community building called ''The Pass Time.''

''On Saturday nights they had dances and on Sunday mornings the building was cleared out for church,'' she said. ''We didn't care much about dancing; it was just being together in each other's company.''

The couple returned to Laurel County in December 1954 after leaving Kinzua and spending about two years in Indianapolis, Indiana.

After returning home Earl went to work with Water Softener Rental. ''I bought into the company in 1957 and later purchased the company from my partners,'' he said.

While Earl was building a successful business, Opal was making a home for the couple in the house they built on part of the Old Williams' Farm.

''This farm belonged to the Williams family during the Civil War,'' Earl said proudly.

Although their marriage and life was good, the couple wished for a baby.

''We were married seven years before this happened,'' Opal said.

''We were beginning to think we were not going to have any children.''

When asked 'what was an important milestone or event in their lives?' they answered simultaneously, ''the boys.''

''That was probably the highlight of our marriage,'' Earl said, ''when the boys, David, Joe and Phillip, were born.''

''Everyone said we changed completely when David was born,'' Opal said. ''I don't know how we changed or how much, but Earl's mother said we did.''

With only two years between the births of Joe and Phillip, Opal referred to this almost like raising twins.

''It would have been nice to have had a girl,'' Opal said. ''But little boys are nice too, and I enjoyed my boys.''

''But, we were ready for a girl when Amber came along,'' Earl said.

''We have three grandchildren, Amber, James and Matthew, and a great-grandson, Will,'' Opal added.

Earl and Opal said their marriage had not been different from most couples who have been married for many years. They don't have a magic formula to explain the success of their marriage. They just took their wedding vows seriously.

''We never thought of divorce like young couples do today,'' Opal said. ''We got married 61-years ago to stay married. You have your differences but you work through them.''

''They should try to work their problems out,'' Earl added.

''Couples should not be so quick to get a divorce. If everything does not fall into place for them, they'd get divorced,'' she added. ''But there are some situations when a divorce is the only way.''

Opal feels it is important for young wives to develop their own lives and interests. ''Married couples should be able to work together, but women need their independence.''

Their faith and dedication to their church, Lick Fork Community Missionary Baptist, where they have been members for more than 50 years, has contributed to and played a major role in the success of their lives and marriage.

Although both are in good health, Earl has slowed down some since retiring, but still goes into the office daily 'to check on the boys.'

''It is nice having him home,'' Opal said. ''Before he was always working at the business or the farm.''

Opal spends three days a week enjoying and caring for great-grandson Will, the latest boy in the Williams' family.

When Will's mother, Amber, was asked to comment on her grandparents she said, ''Eric and I were like them (referring to her grandparents), we were married seven years before Will came along. I think it is amazing to have been married for so many years and raised three sons that have been very successful. They were taught good work ethics (which) they are passing on to their children.''

''It has been a good life,'' Opal said.

''We have had a good married life. It does not seem like 61 years; it has went by fast,'' Earl added.

COMMEMORATING THE 70TH ANNIVERSARY OF THE JAPANESE ATTACK ON PEARL HARBOR

Mr. LUGAR. Mr. President, on December 7, 70 years ago, just before 8 in the morning local time, the first wave of 183 Japanese imperial aircraft descended upon the United States naval base at Pearl Harbor. A second wave of 170 aircraft followed to make sure that as much damage was done as possible. Within 2 hours, this unwarranted act of aggression left four U.S. Navy battleships, three cruisers, three destroyers, an anti aircraft training ship, one minelayer and 188 U.S. aircraft destroyed. The attack left devastation and havoc in its wake, taking the lives of 2,402 Americans and wounding 1,282. The Imperial Japanese Navy conducted this attack in order to limit U.S. military intervention capabilities in respect to Japanese imperial ambitions in the Pacific arena.

On that day that President Roosevelt so aptly said would ''live in infamy,'' the Japanese Empire left something behind amongst the smoldering ruins of our Navy. They left behind a unified people in which they ''awakened the beast.'' Out of the ashes of Pearl Harbor was reborn an even stronger American Navy, economy, and people.

For the younger generations of today, Pearl Harbor was a remote event in an era long gone. But to people like Army PFC. Merle Berdine, of Valparaiso, IN, who was sitting in the warm Hawaiian sunshine in front of his barracks at Fort Kamehameha that fateful Sunday morning, this act of aggression was an attack on the present. Pearl Harbor wasn't just part of his collective history that he shared with his nation, it became part of his personal history, shaping and defining him. At 7:54 a.m. Merle was a soldier going through his daily routine and finishing up his 1-year rotation at Pearl Harbor. At 7:55 a.m. he was a man under attack in a nation at war, digging a trench to withstand the bombardment and wondering whether he

was going to see his family again. By 11 a.m., he was dealing with a new reality, one in which he was saying goodbye to more than 2,000 of his brothers. Within 24 hours, he was a soldier for a nation at war with Japan, within 48 hours, that war had grown.

We as a nation oftentimes take the sacrifice Merle and his fellow servicemembers have made for granted. They sacrificed their time, their personal health, and far too often their lives to let us as a nation live free and prosper. Without their sacrifices we would be living in a very different world today and no amount of gratitude can ever be enough. But we must try, and we must, most importantly, remember.

I am proud to say that, at last count, 60 of these heroes who experienced the horror of Pearl Harbor call Indiana home. But, as with all World War II veterans, this proud generation is shrinking. Just last year, six Pearl Harbor veterans passed away in our State. According to the Pearl Harbor Survivors, only 25 of them are able to be active members of their community. The rapid decline and increasing immobility of this generation poses many dangers to the memory of Pearl Harbor.

Today, we remember their sacrifice, we discuss the events of the day, the lessons of history are reviewed, we collectively remember, and, if you know a veteran of Pearl Harbor, we should slow down and listen before the opportunity passes.

Since 2002, I have been leading the effort in Indiana to record oral history interviews with Pearl Harbor survivors and all veterans as part of the Library of Congress Veterans History Project. In addition to the stories of 104 Hoosier Pearl Harbor survivors already archived at the Library of Congress, I have submitted the histories of over 10,000 veterans for permanent inclusion in our national history. As a veteran of the U.S. Navy, I know the memories and life changing experiences gained from serving our country, and I am pleased to help ensure that Hoosier veterans are able to record their personal stories so that we can all learn about and appreciate their tremendous sacrifice.

One of the most important lessons of Pearl Harbor was that the adversaries of the United States are multiple and active. We learned that we must always be prepared. On September 11, 2001, we were painfully reminded of these lessons.

As we recognize these historical events, I call attention to the 97,800 military personnel who today are on the ground in Afghanistan, with a total of 129,200 deployed to the region aboard ships at sea, on bases, and at air stations in the region supporting Operation Enduring Freedom. We are down now to only about 12,500 military personnel deployed to Iraq, yet some 79,105 are still deployed to the region aboard ships at sea, on bases, and air stations in support of the redeployment of that force. Since 2003, 4,474 have been killed in Iraq operations, and 1,733 have been killed in Afghanistan since 2001.

These men and women continue to answer the call to serve a cause greater than themselves, as those men did that fateful day in Pearl Harbor 70 years ago. I ask my colleagues to join me in humbly honoring Private First Class Berdine and all those who have and continue to serve our Nation in uniform for their inspirational service.

ADDITIONAL STATEMENTS

RECOGNIZING THE MISSION CONTINUES

• Mr. BLUNT. Mr. President, on Veterans Day, November 11, 2011, I was fortunate enough to attend a service project at Walnut Grove Elementary School in St. Louis, MO, alongside nearly 100 veteran and civilian volunteers. These volunteers recognized that Veterans Day is not just an opportunity to thank veterans but also an opportunity to recognize them as the civic assets they are and to demonstrate that their skills and leadership are very much needed in our communities. This group spent nearly 7 hours working on a wide variety of academic and artistic projects that will improve the learning environment at Walnut Grove Elementary.

This experience was only possible through a Missouri organization called The Mission Continues, headquartered in St. Louis. Founded in 2007 after CEO Eric Greitens returned home from service in Iraq as a Navy SEAL, The Mission Continues is the only national nonprofit dedicated to empowering post-9/11 veterans to rebuild purpose through community service. They have recognized that many veterans struggle to find purpose at home without the structure, mission, and camaraderie of a military unit. The Mission Continues challenges our veterans to apply their military skill sets to address critical needs within our communities by serving as citizen leaders. This unique approach gives veterans renewed purpose and strengthens our communities for future generations.

The Mission Continues engages post-9/11 veterans to serve in their communities through 28-week service fellowships at nonprofit organizations. This fellowship program provides our former military men and women with the opportunity to translate their military experience into civilian skills. To date, The Mission Continues has awarded nearly 200 successful fellowships in 30 States and the District of Columbia. Additionally, the organization recognizes our veterans as civic assets and brings veterans and civilians together to serve their country by leading in their local communities.

We must remind ourselves that while our veterans are often told ''thank you,'' they also need to hear, ''we still need you.'' Through their work, The Mission Continues is fundamentally changing the way our Nation welcomes home our servicemembers. In addition to the fellowship program, they are contributing to comprehensive academic research, have established innovative partnerships between public and private organizations that support our veterans in their transition, and provide an experienced voice as the Nation tackles veterans' issues.

I encourage my colleagues in the Senate to recognize the work that The Mission Continues performs every day. As a nation, we are all invested in the post-military careers of the men and women in uniform who have defended our country. I encourage all Members to stand with The Mission Continues as they challenge our veterans to be citizen leaders in their communities.•

CELEBRATING THE PUBLIC SERVICE OF DR. HAL COHEN

• Mr. CARDIN. Mr. President, today I rise to celebrate the distinguished career of Dr. Hal Cohen, an internationally renowned economist and professor, devoted husband, father, and grandfather, and my good friend.

Harold Allen Cohen was born in New York on April 21, 1938. After earning his B.A. from the college that is now known as SUNY-Binghamton and his M.A. from Cornell University, Hal began his career in health care financing and public policy by earning a Ph.D. from Cornell University in 1967. After completing his education, he was awarded a prestigious fellowship with the National Science Foundation from 1969 to 1971, which he followed with a year-long stint as an associate at the Danforth Foundation while teaching economics at the University of Georgia, first as an assistant and then as an associate professor.

Hal then took a position that would come to define his career. In 1972, he moved to Baltimore to become the executive director and founding member of the Health Services Cost Review Commission, or HSCRC, the State agency that regulates hospital rates in Maryland. As a member of the Maryland House of Delegates, I worked closely with Dr. Cohen during the formative years of the HSCRC, and while he is quick to say that he was surrounded by a tremendous group of colleagues, it was his leadership that cemented the HSCRC as a Maryland institution. His insight was and continues to be invaluable in containing hospital cost growth. Dr. Cohen worked to ensure that hospitals could provide efficient, high quality care to every Marylander as he focused on ensuring that hospital financing options were fair, accessible and equitable. Since 1976, the HSCRC has financed nearly $1 billion in uncompensated care, improving access for underinsured and uninsured Marylanders, and supporting hospitals' social mission while providing them greater financial stability.

Since 1977, Maryland hospitals have been paid on the basis of the rates established by the HSCRC, ensuring that Maryland's health costs are kept low, and that its health system is tailored to the needs of its citizens. Under Hal's leadership, the State of Maryland has saved over $47 billion since 1976. The HSCRC has been essential in ensuring that each hospital in Maryland provides comprehensive care that includes assistance for the underinsured, as well as incorporating teaching and research programs into the structure of the hospital center.

As Executive Director of the HSCRC, Dr. Cohen ushered the organization through its first 15 years. He worked to ensure that the agency would work well with Maryland hospitals, the Maryland State Legislature, and most importantly, for Maryland's citizens in a transparent and accountable fashion. The independent nature of the HSCRC allows the agency the ability to advocate for and support a legislative agenda, and Dr. Cohen used this ability over the length of his career to fight for fair and sustainable pricing structures that support hospitals and patients.

The system set up by the HSCRC was so well-conceived that it has succeeded for nearly 35 years. All-payer rate setting is now being discussed by many leading health economists as an effective way to control the unsustainable growth in health care costs.

Dr. Cohen's base of knowledge has been widely sought. He has served on three Federal committees, and he was a founding appointee to the Prospective Payment Assessment Commission—ProPAC. He has also served as a member of the National Committee on Rural Health, the National Committee of Vital and Health Statistics, and he served as Commissioner of the Maryland Health Care Access and Cost Commission from 1993 to 1998. As Commissioner, he played a key role in improving quality and expanding health care access, by initiating HMO report cards to evaluate quality and establishing a small group market system to make insurance more affordable for small businesses.

In 1985, 2 years before he would step down as the Executive Director of HSCRC, he founded Hal Cohen, Inc., a health care consulting firm located in Baltimore, MD to offer consulting services in the areas of hospital financing and public policy. He has served clients from every corner of the industry and all over the country, from the Federal Government to private insurers, from HMOs to self-insured companies.

In addition to his significant and long-lasting professional impact, Dr. Hal Cohen is known throughout Baltimore as a loving husband and father. Hal and his wife, Jo, have been married for more than 50 years, and their family has grown to include their children—Robb, Gail, David, Heather, and Amy—and their five grandchildren—Lizzie, Alex, Max, Zhi, and Olive.

Dr. Cohen's extensive work will continue to make Maryland a better place to live. His essential leadership was crucial in building the HSCRC as a force for fairness in health care pricing and for expanding patient access to health care. I thank him for his long service, and I congratulate him on his many years of putting the people of Maryland first—he is a public servant of the highest caliber, and I am proud to call him my trusted advisor and dear friend.●

TRIBUTE TO NANCY BERGMANN

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Nancy Bergmann's retirement after 26 years of dedicated and effective service.

For the past 18 years, Nancy has represented the Idaho National Laboratory, INL, in promoting economic development, expanding technology business sectors and creating understanding about the nuclear and energy missions at INL. Nancy is a well-known and endearing figure in Idaho's high-technology business community. During her career, she has made a significant impact in helping small businesses, nurturing entrepreneurs, and aiding communities in increasing their technology business base. Previously, she initiated Idaho's Hispanic Youth Symposium while managing INL's diversity program in human resources, which also was recognized by President George H.W. Bush for excellence. With more than 30 years of involvement in serving United Way and community service, Nancy also has been appointed to more than 25 boards and commissions, including the Idaho Rural Partnership, Idaho TechConnect, and many more.

Nancy has also been instrumental in organizing regional economic development offices throughout Idaho. In addition to serving on the National United Way Board of America, Nancy has been named INL's Woman of the Year, Idaho's Business Woman of the Year, and 2008 Idaho Business Review Woman of the Year. On November 18, 2011, the Southern Idaho Economic Development Organization honored Nancy for a decade of support by establishing the Nancy Bergmann/INL Math & Science Scholarship, managed by the College of Southern Idaho Foundation.

We wish Nancy an enjoyable retirement and a wonderful time with her family, including five granddaughters. We hope that retirement will provide Nancy with more opportunities to enjoy Idaho's magnificent sunsets. Congratulations to Nancy for achieving this milestone, and thank you, Nancy, for your outstanding service to Idaho communities.●

RECOGNIZING THE CHILDREN'S HOME SOCIETY

● Mr. MANCHIN. Mr. President, I rise to give a voice to the countless children in need of good homes all across this country and to recognize an organization in my State that helps provide these children with a safe environment and a nurturing family.

The Children's Home Society has served West Virginia for 115 years. This organization has 12 locations all across our State that work to meet one critical mission: finding homes for children who don't have a loving place to live.

I have always said the best investment we can make in our country is an investment in the next generation, and that starts with making sure each of our children has a place to call home. That is why the work of the Children's Home Society is so important.

More than 400 children in my home State of West Virginia are currently living in a foster home. For many of them, it is the first time they have received a safe place to live and loving care. The Children's Home Society has worked tirelessly on their behalf. Their programs range from emergency shelters to foster and adoption services and mentoring. The organization exists to help care for, protect, and nurture children, as well as strengthen and protect families.

The Children's Home Society has also worked vigorously to build awareness throughout our State. This fall the organization hosted the Footsteps for Foster Kids Festival, an event created to illustrate the need for foster families in West Virginia and recruit families who can provide loving homes for children. All day long, children and families had opportunities to participate in various activities at the festival, including paddle boat races and fishing competitions. More than 400 people attended, and the Children's Home Society was able to reach out to new families interested in opening their homes to children in need.

In fact, the idea for the Footsteps for Foster Kids Festival first came from our young people, when 10 area youth called the Band Together Organization worked with the Children's Home Society to make the day a true success. They are an inspiring group, and we are all proud of their efforts and service to the community.

I would like to congratulate the Children's Home Society for their legacy of impressive and meaningful work and thank the Band Together Organization for the commitment they have demonstrated to improving the lives of children. Your example serves our State and our Nation well.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:12 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 bill:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or

to perform a homeland defense activity for not less than 90 days.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, 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–4186. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Daniel J. Darnell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4187. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4188. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (9) officers authorized to wear the insignia of the grade of major general, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4189. 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 Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–4190. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Consolidated and Further Continuing Appropriations Act, FY 2012 (P.L. 112–55); to the Committee on the Budget.

EC–4191. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts'' (RIN1904–AB50) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC–4192. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment'' (RIN1904–AC56) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC–4193. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Bidding by Affiliates in Open Seasons for Pipeline Capacity'' (RIN1902–AE39) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC–4194. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''U.S. Department of Energy Fiscal Year 2010 Methane Hydrate Program Report to Congress''; to the Committee on Energy and Natural Resources.

EC–4195. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area'' (FRL No. 9495–7) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC–4196. 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 ''Treasury Inflation-Protected Securities Issued at a Premium'' ((RIN1545–BK46) (TD 9561)) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC–4197. 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 ''2011 Base Period T-Bill Rate'' (Rev. Rul. 2011–30) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC–4198. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2011 report (covering trade in calendar year 2010) relative to the impact of the Andean Trade Preference Act on U.S. trade and employment; to the Committee on Finance.

EC–4199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the implementation of the Danger Pay Allowance for Damascus, Syria; to the Committee on Foreign Relations.

EC–4200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Weapon Mount Component for a Stabilized Remotely Operated Weapons System (SRWS) Gimbal components in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4201. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–4202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture Raytheon Designed Radios and the incorporation of Have Quick I/II Electronic Counter Counter-Measure (ECCM) Software Object Code to government end-user Turkey; to the Committee on Foreign Relations.

EC–4203. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act'' (RIN0938–AQ71) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4204. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans'' (RIN0938–AR35) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4205. A communication from the Special Advisor to the Secretary of the Treasury for the Consumer Financial Protection Bureau, transmitting, pursuant to law, the Semiannual Report by the Federal Reserve Board Office of Inspector General regarding the Consumer Financial Protection Bureau for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4206. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4207. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4208. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC–4209. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC–4210. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Fourth Quarter Fiscal Year 2011 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–4211. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a Quarterly Report to Congress on the activities of the Department of

Homeland Security Office for Civil Rights and Civil Liberties during the third quarter of fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4212. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4213. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4214. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4215. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4216. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General and a Management Report for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4217. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the Performance and Accountability Report for the Office of Government Ethics for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4218. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4219. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

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. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, and Mr. BROWN of Massachusetts):

S. 1947. A bill to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mr. WICKER):

S. 1948. A bill to establish an Innovation in Investment pilot program, to improve and expand a national registered apprenticeship program, to provide for State Workforce Education and Training Advisory Committees, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 344. A resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 241

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 241, a bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

S. 306

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 581

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 752

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1069

At the request of Ms. CANTWELL, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1108

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1108, a bill to provide local communities with tools to make solar permitting more efficient, and for other purposes.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1190

At the request of Mr. BLUNT, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1360

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1397

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1397, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1465

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1465, a bill to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships, and for other purposes.

S. 1544

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1634

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1634, a bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1711

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1711, a bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1886

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1944

At the request of Mr. CASEY, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. RES. 297

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 342

At the request of Mr. RUBIO, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 342, a resolution honoring the life and legacy of Laura Pollan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 344—SUPPORTING THE DEMOCRATIC ASPIRATIONS OF THE NICARAGUAN PEOPLE AND CALLING ATTENTION TO THE DETERIORATION OF CONSTITUTIONAL ORDER IN NICARAGUA

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S.RES. 344

Whereas in January 2007, President Daniel Ortega was inaugurated to a second 5-year presidential term, having served as President from 1985 to 1990;

Whereas as a result of widespread electoral fraud during the November 2008 municipal elections, Nicaragua lost more than $100,000,000 in international assistance and a $175,000,000 Millennium Challenge Compact was suspended;

Whereas Article 147 of the Constitution of Nicaragua states that a candidate cannot serve consecutively as President and that a President cannot serve more than 2 terms;

Whereas on October 19, 2009, the Sandinista-controlled Constitutional Chamber of the Supreme Court of Nicaragua issued a controversial ruling that partially annulled Article 147 of the Constitution of Nicaragua and allowed Daniel Ortega to run for a third presidential term;

Whereas the Department of State called the October 2009 Supreme Court ruling ''. . . part of a larger pattern of questionable and irregular governmental actions, beginning before the flawed municipal elections of November 2008, that threatens to undermine the foundations of Nicaraguan democracy and calls into question the Nicaraguan government's commitment to uphold the Inter-American Democratic Charter'';

Whereas the Constitution of Nicaragua gives the National Assembly sole power to elect Supreme Court magistrates, Supreme Electoral Council magistrates, and other national public officials;

Whereas in January 2010, President Ortega issued a decree that circumvented the National Assembly and indefinitely extended

the terms of 25 incumbent public officials, including members of the Supreme Court and the Supreme Electoral Council;

Whereas in August 2011, the Supreme Electoral Council announced that all international and national observers will be a part of the election and monitor the process under the mandate of an ''accompaniment ruling'', which included 25 articles, establishing, among other restrictions, who can participate, what their functions may be, the limits of their actions, and the process of accreditation to become an official observer;

Whereas on November 10, 2011, the Department of State noted ''. . . the Nicaraguan Government's failure to accredit certain credible domestic organizations as observers, difficulties voters faced in obtaining proper identification and pronouncements by Nicaraguan authorities that electoral candidates might be disqualified after the elections'' and agreed that ''the Supreme Electoral Council did not operate in a transparent and impartial manner'';

Whereas the European Union Election Observing Mission to Nicaragua noted that elections had been supervised by ''electoral authorities with very little independence and equanimity'' and it further deemed a ''grave reversal to the democratic quality of Nicaraguan elections'';

Whereas during the 2011 general elections in Nicaragua, the Mission of Electoral Accompaniment of the Organization of American States noted several ''situations of concern'', including problems providing identification cards to voters, the accreditation of observers, and imbalances in the political parties present at polling stations;

Whereas the Organization of American States called upon Nicaraguan authorities to investigate acts of violence perpetrated on election day; and

Whereas as a member of the Organization of American States and signatory to the Inter-American Democratic Charter, the Nicaraguan Government has the legal responsibility to abide by the principles of constitutional, representative democracy, which includes free and fair elections and adherence to their own constitution: Now, therefore, be it

Resolved, That the Senate—

(1) supports the democratic aspirations of the people of Nicaragua;

(2) deplores the interruption of constitutional order in Nicaragua that led to the fraudulent reelection of Daniel Ortega on November 6, 2011, elections;

(3) condemns the acts of violence perpetrated on election day and calls upon Nicaraguan authorities to fully investigate and prosecute those responsible;

(4) urges President Barack Obama and Secretary of State Hillary Clinton to take immediate and meaningful measures to encourage the restoration of constitutional rule in Nicaragua, including opposing loans by international financial institutions to the Nicaraguan Government;

(5) urges the immediate issuance of a final report on the Mission of Electoral Accompaniment of the Organization of American States, including a detailed report on constitutional irregularities impacting the preelectoral phase in Nicaragua; and

(6) urges the United States Ambassador to the Organization of American States to lead an effort to use the full power of the organization in support of meaningful steps to restore democracy and the rule of law in Nicaragua in accordance to the Inter-American Democratic Charter, including formally suspending the Nicaraguan Government under Articles 20 and 21 of the Inter-American Democratic Charter.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Children and Families of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, December 13, 2011, at 10:15 a.m. in SD–106 to conduct a hearing entitled ''Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence.''

For further information regarding this hearing, please contact the subcommittee staff on (202) 224–9243.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 6, 2011, at 2:15 p.m. in S–115.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. 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 6, 2011, at 10 a.m., to conduct a hearing entitled ''Continued Oversight of the Implementation of the Wall Street Reform Act.''

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 6, 2011, at 10:00 a.m., in room HVC–210 of the Capitol Visitor Center, to conduct a hearing entitled ''Tax Reform and the Tax Treatment of Financial Products.''

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

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 6, 2011, at 10:00 a.m. to conduct a hearing entitled, ''Whistleblower Protections for Government Contractors.''

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on December 6, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Access to the Court: Televising the Supreme Court.''

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on December 6, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Express Scripts/Medco Merger: Cost Savings for Consumers or More Profits for the Middleman?''

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate, on December 6, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Contaminated Drywall: Examining the Current Health, Housing and Product Safety Issues Facing Homeowners.''

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

UNANIMOUS CONSENT AGREEMENT—H.R. 1540

Mr. BENNET. Mr. President, I ask unanimous consent that H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, be printed as passed by the Senate on December 1, 2011.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 7, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 11:30 a.m. on Wednesday, December 7, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the

majority controlling the second 30 minutes.

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

PROGRAM

Mr. BENNET. As a reminder, the majority leader filed cloture on the Cordray nomination. Unless an agreement is reached, that vote will be Thursday morning.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Wednesday, December 7, 2011, at 11:30 a.m.