

the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. BEGICH):

S. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise tonight to speak of what I believe is the central concern of the American people right now, and that is the issue of jobs or in many cases the lack of a job. We have seen it in so many ways. We have seen it in our own communities. Many people have seen it in their own families. These are not statistics on a business page. When they see an unemployment rate or the number of people who are out of work, it is real life for far too many American families. As long as the unemployment rate in America is 10 percent, the American people want us to focus, as we never have before, on the issue of job creation.

In Pennsylvania we have now 560,000 people out of work as of the last month it was calculated, the month of December. That is a huge number. If you look at it by percentage it looks like it is lower than a lot of States, 8.9 percent, but it is 560,000 people in Pennsylvania, and it spiked upwards toward the end of the year.

I had a chance, now just about a week ago, to sit down with 8 of those 560,000 people, 8 people out of work. I will not give you their names because that was the agreement. I wanted to spend some time listening, mostly, to folks who had been laid off, who lost their job in one way or another, through no fault of their own, victims of this horrific recession that so many families have lived through.

To encapsulate what they said, it comes down to much of what we heard President Obama speak about the other night in the State of Union, as well as what he said a number of weeks ago when he met unemployed individuals in Allentown, PA.

What he saw in that job center in Pennsylvania is what I saw in another job center in another part of the State: people who do not fully understand why they are in this predicament—people who had worked their whole lives, had great work records, never missed a day of work for the most part, many of them over the age of 50, many of them over the age of 60 and feeling a kind of economic insecurity and vulnerability they never had felt before, but, despite all that, they were not complaining. They were not pointing fingers. They were not complaining about the number of applications they filled out—scores of them, 25, 30, 50, 100—and in

many cases getting either rejected or hearing nothing at all. That is what I heard.

I also heard, as the President said, a real determination to keep fighting, to keep applying, and to keep trying to get a job. Maybe the thread that runs through all of them is they are grateful for the country they live in and they want to work. They don't want to be in the position they are in. Many of them feel ashamed to have to rely upon someone else or an institution or, in particular, a government program.

One woman said to me, in the meeting I had a week ago—she was just sitting on my right. She had a lot of brains and talent and commitment, had never had to worry about being out of work before. But she told me she felt—and I am not quoting her directly—bad or even embarrassed about having to rely upon food stamps, a program that we know helps people get across that bridge when they are out of work, when they can return to work.

These eight individuals gave me just an insight, just a glimmer of how difficult it is for so many families.

I received a couple of letters recently. I will not use names because we do not have permission, but two individuals, one from southeastern Pennsylvania, and one—actually two from southeastern Pennsylvania, which in Pennsylvania, generally, is probably one of the most prosperous corners of our State.

But even in suburban communities that seem well off and strong economically, we are seeing many challenges for families who have lost their jobs, in some cases more than one person. One woman wrote to me and said:

My husband got a job at a particular company [I will not identify the company] right out of high school. Left to serve in the Army. Then went back and retired from there when they closed.

So like a lot of places, someone works for decades and the plant closes, that is where they lose their job.

She continues:

I got a job in a factory and worked there while starting to raise two sons until they closed that company as well. We both got our jobs to support our families.

Then she talked about her sons getting the benefit of a college education which she and her husband did not have. But now they are at risk because one son is out of work and the other one is having challenges as well, despite having a college education.

She concludes the letter with one question, a question which I think is on the minds of a lot of Americans, not a question where they are pointing a finger at what is happening or not happening in Washington, but it is a question we need to listen to and do our best to provide answers for.

She says: When is the change coming?

When is the change coming? I think it encapsulates a lot of the questions I have heard across Pennsylvania. People are worried about what a lot of us

have been talking about here; it is not moving fast enough to help them.

I point to another letter from an individual, again in southeastern Pennsylvania. This gentleman said to me that he grew up in Pennsylvania, had roots in Pennsylvania. He said:

I worked hard all of my life, yet to no avail. I have been unemployed since the last layoff for a year now.

It is hard to comprehend that, being out of work for a year, in some cases longer than a year.

I seriously think we should start focusing heavily on jobs in the United States. We are hearing that everywhere, the same sentiment. But like the letter I cited a minute ago from a woman in southeastern Pennsylvania, this man said to me toward the end of the letter: When will the recovery begin for those individuals, the people he described in his letter, in addition to talking about his own situation?

So we can't pretend that just because we passed a recovery bill last year, which I voted for—I was very proud to support that. I know it was not the most popular vote in the world for a lot of folks around here, but we know the recovery bill is starting to work, in some cases working faster than others. There are good numbers on job creation across the country. Instead of losing 741,000 jobs as we did in January 2009, we are losing in the tens of thousands now—still not good, not enough when the unemployment rate is 10 percent across the country, when 560,000 people in Pennsylvania are out of work. So we should point this out, that the Recovery and Reinvestment Act is beginning to work but it is not working fast enough. So we have to do more. We can't just say: Let it fully play out and let it be fully implemented and all. That is not good enough for the economic trauma so many families are facing.

So for those who are leading lives of struggle and challenge, lives of anxiety and worry, and a kind of collective economic insecurity, we have to act. We can't just talk, we have to act. And I believe one of the ways we can act is by passing not just a jobs bill, which we should and must pass very quickly, but a jobs bill that is targeted on creating jobs in the fastest way possible. We do not need theories; we do not need some idea or some theory, untested; we do not need a bill that we hope will create jobs over many years. We need a bill that creates jobs this year, in the next 6 months to the next year, not the year after and 5 years later. We need a job creation bill that does that now.

I hope many of my colleagues will support legislation I have introduced, the Small Business Job Creation Tax Credit Act of 2010. I have introduced it today. I thank Senators Gillibrand, Levin, and Begich for cosponsoring this important legislation.

I mentioned the job loss in Pennsylvania, 560,000 people out of work through no fault of their own. That number across the country, since the

beginning of the recession—if you add up the jobs lost, it is over 7 million jobs since the beginning of the recession.

I just saw a story yesterday in my hometown paper in Scranton, the Times Tribune, a front-page story talking about the manufacturing job loss in just one region, not even a corner, just a region of Pennsylvania, 3 counties out of 67 counties. It was reported that in 2005—not that long ago—there were 35,150 manufacturing jobs in that region, over 35,000 jobs in 2005, and it is down below 30,000 now, 29,400 as of the latest number, meaning that a little more than 5,000 jobs have been lost in that period, in just a couple of years in northeastern Pennsylvania, and if you stretch it over 5 years, it is more than 7,500 manufacturing jobs. We know that number nationally is 2 million—2 million manufacturing jobs lost since the recession began in December 2007.

I mentioned the 10-percent unemployment rate, and I also mentioned that the Recovery Act is having an impact. We are happy about that, and we should mention and affirm that, but it is not moving fast enough. We have to do more.

This job creation tax credit—and many others have different versions of it, but the version I have been working on is actually very simple. We set the line of division between a large and small business at 100. So if you are under 100, you are considered a small business in this bill; over 100, a large business. If you are under 100 and you increase your payroll—when you compare one quarter of a particular year to the corresponding quarter from the year before, if you increase your payroll in that quarter, you get a tax credit of 20 percent. If you are above 100 employees and you add to your payroll in a particular quarter, you can get a 15-percent tax credit. It makes sense because it is targeted, it is focused on the problem, and it is going to be effective. We know from prior history—it is not theory; we have already tested this in recent American history—that it is a job creator. It creates jobs in big numbers fast. That is what we need.

We know the focus of this, of course, just by definition, becomes small business. We know that in America, most of the job creation in any period but especially in recent history has been the creation of jobs in small businesses. In Pennsylvania, small businesses with less than 100 employees—that fit into the definition of our bill—accounted for 91.6 percent of job growth between 2003 and 2006. Almost 92 percent of the job growth in Pennsylvania for that time period was small business.

This tax credit legislation would provide employers with a nonrefundable quarterly payroll tax credit based upon the increase in the employers' wages paid. It would be 1 year. We want to emphasize that we are focused on the short term, immediate direct benefit for the economy and to individual employers. The credit would only apply to

an employee's wages up to the Social Security wage base of \$106,800.

I mentioned a business of 100 or more getting a 15-percent credit and less than 100 getting a 20-percent tax credit. So, for example, if you had a firm that would be considered a small business and say they have a total payroll of \$½ million—and we are talking about the second quarter of 2009—we pass the bill and we get the legislation enacted, a year later, you compare that \$500,000 payroll to a quarter in 2010. Say they hired five employees. If you hired those five employees, all of whom are given an annual salary of \$40,000, that means you have five employees making \$10,000 in a particular quarter. The tax credit would apply to that increase in their payroll. So that particular company could get a tax credit to offset their quarterly taxes by some \$10,000.

So we wanted to make this part of the jobs bill we are going to be considering very quickly. I believe the bill we are going to be completing work on and voting on will be a bill that will focus on strategy to create jobs very quickly and not be a big bill that a lot of things get attached to that make people feel good but may not create jobs.

I wanted to move to three charts very quickly. The first chart with regard to the small business job creation tax credit is a chart that depicts one of the themes here, that this particular strategy will be effective. This is from the Congressional Budget Office.

As of January of this year—for those who follow us, I use the acronym “CBO,” but for those who do not, the Congressional Budget Office. By definition, I think by acceptance of both parties in Washington, the CBO is a referee. When the Congressional Budget Office, CBO, says this is what this particular legislation will cost, it tends to be accepted as a good number. So when the CBO speaks about a particular policy provision, it speaks with authority and I think with a significant degree of credibility. Here is what CBO said:

Providing tax credits for increases in payrolls would increase both output and employment.

That is what we want. We want legislation that will be, first, effective. The next part is very simple, just the word “efficient.” We want to make sure we can put dollars in the hands of employers very quickly to create jobs in the near term.

The same Congressional Budget Office report that I cited before for January of this year says that:

This particular policy would provide tax benefits linked to payroll growth; fewer budget dollars would be used to cut taxes for workers who would have been employed anyway.

So that is an indication that it can be efficient.

Finally, related to the question of efficiency is, how will this work in the real world? Often, we talk about and debate and enact things that sometimes do not work as well as we hope they would. We want this to work. We

do not want to have an employer say: Well, I have a tax credit, but I need to hire an army of lawyers to interpret and implement it. We want this to be a provision that is easy for businesses to use.

So here is a basic form 941. Every employer has to fill this out quarterly. And there is a lot to go on this. I will not read every line, but as you can see, the form captures the number of employees who receive wages, the taxes and wages. The IRS would simply have to add in the ability to calculate the change in the payroll from one quarter of one tax year to one quarter of the next. So if the IRS can add a line or two, when this employer is filing out this form they are well familiar with—they have to fill it out every quarter—they can just add in how they have increased their payroll. They do that, and they will have the opportunity to benefit from the tax credit.

Finally, let me turn to one final theme, which is cost. I expect the cost of this tax credit to be \$30 billion. The improvement to the economy from this tax credit will more than offset the overall cost. An increase in the gross domestic product will obviously increase company profits, which will increase the revenue of the U.S. Government. An increase in revenue will also reduce the deficit.

We have to invest in a strategy that will create jobs right now. We do not have time for a long ramp-up along the implementation of new legislation.

Finally, an increase in jobs will assist in taking people off unemployment, putting people to work. We want to have the safety net in place of unemployment insurance and/or food stamps and COBRA for insurance, but we also want to create opportunities so that more and more people do not have to worry about having to enroll in those programs and can actually be going to work every day because we answered the questions that were in those letters about when will the change come, when will we have the kind of economic security that workers and their families have a right to expect.

As we go through these next couple of days—I think we are down to days now—finishing up a provision or a set of provisions that will be a jobs bill, we have to be not just focused on getting the policy right, we have to be focused on getting this right for real people, people who are leading lives of struggle and anxiety and worry every day. Every morning they get up, they are worried about not having a job. Many of them are worried because they do not have access to health care or sometimes the protections we should have on health care—another bit of unfinished major business we have. But, in particular, most Americans are faced with the prospect of darkness, of misery, and the pain of no job at all. For those eight individuals I met and for those who have been writing to me—and I am sure many people in both parties—we have to act, and we have to

act now. Talk is long past. We have exhausted the time for just talk and discussion. We have to act and pass a jobs bill. A central part of a jobs bill has to be a job creation tax credit to efficiently and effectively and in a very focused way create jobs in the near term.

I ask my colleagues to review and co-sponsor the job creation tax credit legislation I have for small businesses.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—EXPRESSING THE SENSE OF THE SENATE THAT UMAR FAROUK ABDULMUTALLAB SHOULD BE TRIED BY A MILITARY TRIBUNAL RATHER THAN BY A CIVILIAN COURT

Mr. VITTER (for himself, Mr. CORNYN, Mr. INHOFE, Mr. BENNETT, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 403

Whereas Umar Farouk Abdulmutallab, a Nigerian citizen, attempted to blow up a transcontinental airliner, Northwest Airlines Flight 253, over Detroit, Michigan, on Christmas Day 2009;

Whereas Abdulmutallab boarded Flight 253 in Amsterdam using an unrevoked United States visa after having traveled from Yemen, purchasing his ticket with cash, and checking no luggage;

Whereas prior to the attack on Flight 253, Abdulmutallab's father, a prominent Nigerian banker, warned officials at the United States Embassy in Nigeria that his son was being influenced by Islamic extremists in Yemen;

Whereas United States intelligence officials learned, based on intercepted al Qaeda communications from Yemen in November 2009, that a man named "Umar Farouk" had volunteered for an upcoming terrorist attack and had been in contact with Anwar al-Awlaki, the same Yemen-based radical cleric who sent more than a dozen e-mail messages to the Fort Hood shooter, Nidal Malik Hasan;

Whereas in November 2009, the National Security Agency also intercepted a phone conversation involving al Qaeda operatives in Yemen discussing an unnamed Nigerian man;

Whereas in December 2009, intelligence officials learned that al Qaeda operatives in Yemen were looking for "ways to move people to the West" and specifically mentioning the Christmas Day date;

Whereas the Central Intelligence Agency (CIA) had issued finished intelligence regarding Abdulmutallab by Christmas Day 2009, which both the CIA and the National Counterterrorism Center (NCTC) had access to, but did not disseminate more broadly within the intelligence community due to the absence of a photograph of Abdulmutallab, despite the fact that other counterterrorism groups already possessed such a photograph;

Whereas the intelligence agencies for the United Kingdom revoked Abdulmutallab's British visa because of a fraudulent visa application;

Whereas after Abdulmutallab was apprehended by United States Customs agents and local police following his failed attack on Flight 253, he spoke freely about receiving

training from members of al Qaeda in the Arabian Peninsula and stated that other jihadists would follow him;

Whereas local agents of the Federal Bureau of Investigation (FBI) interrogated Abdulmutallab for 50 minutes, during which time Abdulmutallab disclosed information concerning his training in Yemen and the operation of al Qaeda in the Arabian Peninsula;

Whereas after 50 minutes, the FBI stopped its interrogation of Abdulmutallab, agreeing to continue the interrogation after he received medical attention for the burns on his legs and groin caused by the failed bomb he had sewn in his underwear;

Whereas before the FBI agents resumed the interrogation, Attorney General Eric Holder made the decision to extend the rights required under *Miranda v. Arizona*, 384 U.S. 436 (1966) to Abdulmutallab and to treat him as a common criminal rather than an unprivileged enemy belligerent who would be subject to military law;

Whereas the FBI agents, following the decision of Attorney General Holder, read Abdulmutallab his *Miranda* rights, including his right to a lawyer and his right to remain silent, at which point Abdulmutallab stopped divulging information and remained silent;

Whereas information concerning Yemeni terror networks, terrorist training operations, and al Qaeda in the Arabian Peninsula are of the utmost value to the United States in its ongoing war against international terrorism;

Whereas Attorney General Holder made the decision to extend *Miranda* rights to Abdulmutallab without consulting the Director of National Intelligence, Dennis Blair, the Secretary of Homeland Security, Janet Napolitano, the NCTC Director, Michael Leiter, the Secretary of Defense, Robert Gates, or the FBI Director, Robert Mueller;

Whereas Attorney General Holder did not consult the High-Value Detainee Interrogation Group (HIG), which, according to Director Blair, "was created exactly for th[e] purpose" of making "a decision on whether . . . a certain person who's detained should be treated as . . . a case for federal prosecution";

Whereas despite the fact that President Barack Obama created the HIG for the specific purpose of interrogating high-value detainees in order to obtain intelligence, the HIG was not yet operational by Christmas Day 2009;

Whereas given the evidence against Abdulmutallab and the numerous witnesses onboard Flight 253 who saw him attempt to detonate an explosive device, it was not necessary to secure testimony admissible in civilian court by providing *Miranda* rights to Abdulmutallab;

Whereas even if testimony that would be admissible in a civilian court was believed to be necessary, Abdulmutallab qualified for an exception to the requirements under *Miranda* that permits law enforcement officers to interrogate individuals with possible knowledge of an impending terrorist attack;

Whereas despite the fact that the United States is at war with al Qaeda and deeply concerned about the operation of Islamic terrorist networks in the Arabian Peninsula and in Yemen, a country that continues to harbor the terrorists who attacked the U.S.S. Cole, Attorney General Holder, under the guidance of President Obama, subsequently ordered that Abdulmutallab be prosecuted on criminal charges in a United States civilian court rather than in a military tribunal;

Whereas under the international law of armed conflict, the United States has the authority to detain enemies who have engaged in combatant actions until the end of hostilities;

Whereas on September 18, 2001, the Congress passed a Joint Resolution authorizing the use of military force (Public Law 107-40; 50 U.S.C. 1541 note), stating that "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons";

Whereas following extensive debate and numerous hearings on the topic, both the Senate and the House of Representatives passed the Military Commissions Act of 2009, which became law on October 28, 2009 (title XVIII of Public Law 111-84); and

Whereas pursuant to the President's authority under the United States Constitution as the Nation's Commander-in-Chief, as well as the Congressional authorization for the use of military force under Public Law 107-40, the President has both the authority and the responsibility to detain Abdulmutallab and other foreign terrorists and prosecute them through a military tribunal for their terrorist actions on behalf of al Qaeda: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) foreign terrorists who are enemies of the United States should not be afforded the same rights under the Constitution as United States citizens;

(2) the most important duty of the Attorney General is to protect the United States from its terrorist enemies;

(3) the decision by Attorney General Holder to truncate Abdulmutallab's interrogation after only 50 minutes cost the United States Government untold intelligence and has made America less safe;

(4) Attorney General Holder should not provide Abdulmutallab with a civilian trial, nor should he have ordered that Abdulmutallab be advised of his right to remain silent;

(5) to the extent possible, foreign terrorist enemy combatants should be tried in military tribunals rather than in civilian courts;

(6) to the extent that foreign terrorists are prosecuted in civilian courts, they should be thoroughly interrogated for information necessary to protect the United States before they are provided with a lawyer and informed of their right to remain silent; and

(7) at a minimum, the Attorney General should consult with the Director of the Federal Bureau of Investigation, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Homeland Security, the Director of the National Counterterrorism Center, the Secretary of Defense, congressional leaders, or the President before unilaterally deciding to terminate the interrogation of a key intelligence source and provide a terrorist enemy with the same rights as those that are guaranteed under the Constitution for United States citizens.

SENATE RESOLUTION 404—SUPPORTING FULL IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT AND OTHER EFFORTS TO PROMOTE PEACE AND STABILITY IN SUDAN, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. WICKER, Mrs. GILLIBRAND, Mrs. BOXER, Ms. LANDRIEU, Mr. BYRD, Mr. ISKASON, Mr.