

know what has happened in the Dayton area, in Miami Valley. Far too many people have lost their homes.

So while the Republicans are trying to protect the Duncan estate, with billions and billions of dollars in that estate, people such as Senator WHITEHOUSE, Majority Leader REID, who is on the floor, and Senator KAUFMAN want to see us take care of the unemployed workers, take care of those who have lost their insurance, take care of those who are faced with foreclosure because of the economic situation. As Senator WHITEHOUSE said, these people didn't choose to be in this situation.

As Warren Buffett said in 2007:

The average American went exactly nowhere on the economic scale in the last 20 years. They have been on a treadmill while the super rich have been on a space ship.

That is exactly what happened in this country. The wealthiest people have done better and better as their tax rate went down and down. Those middle-class kids who need Pell grants, the middle-class families who lost their jobs who are now on the unemployment line, those workers who have lost their insurance through no fault of their own—they lost their jobs—they are on this downward spiral which simply is not what our country stands for.

Mr. WHITEHOUSE. Two points I would like to make. One is echoing what Senator BROWN just said. We always hear about the debt and the pay-for from the other side when it is convenient, when they are trying to stop something the administration wants to do. When it helps regular people who have lost their jobs through no fault of their own, then it becomes an international incident if it is not paid for. But when an estate of \$9 billion is allowed to pass tax free because of a loophole, that is OK. That is a \$4 billion unpaid-for loss to the government, through its revenues. That is just fine.

There is a disconnect there. If you are serious about the deficit, you have to be serious about it when it is billionaires and not just serious about it when it is regular working families. There is a one-sidedness and a convenience for their concern about the deficit. When it is their President in the White House, Katey, bar the door. By my calculation they blew \$9 trillion during the Bush administration. Now they suddenly have had an epiphany about debt, but it does not quite extend to billionaires who are allowed to pass their estates through tax free. So much for the debt and the pay-for concern.

The other group they are very concerned about all the time is corporations. In this year, corporations have paid less tax compared to humans than ever before, since 1983, where there was a glitch and corporations paid less taxes relative to what humans pay than now. But other than that, 1 year, 1983, more than a quarter of a century ago, corporations are paying an all-time low in taxes compared to what humans pay.

If you go back, it is 70 years—1983 was just a 1-year exemption. So all this battle has driven down tax rates for corporations, tax rates for billionaires, and here we are with a deficit and they do not care about the billionaires.

I will close. I see the majority leader on the Senate floor, and I do not want to take time. I will close. America is a place of which we are very proud. It is the greatest country ever. It is a place where people can get fabulously rich. Not only is it a place where you can get fabulously rich, when you get fabulously rich you can still live a relatively normal life. You don't have to live like some Third World thug behind armed guards driving around in convoys with armed SUVs. You can live a normal life as a very rich person.

Everybody has a chance to get rich. Everybody has a chance to become a millionaire, a multimillionaire, a billionaire. But when they do, they have to pay their share.

The PRESIDING OFFICER (Mrs. HAGAN). The time of the Senator has expired.

Mr. WHITEHOUSE. I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, the time for morning business has expired; is that right?

The PRESIDING OFFICER. The majority leader is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I appreciate very much the understanding of my friends who have been here waiting to talk for several hours. I also announce that one of the reasons we are waiting is to determine if we need to have votes tonight. Everyone has been notified that we might have to have votes tonight, but it appears at this stage we will not. I have been in contact with the Republican leader and his staff. I think we will continue working through the night on some issues we are trying to deal with and worry about votes tomorrow.

I ask unanimous consent the Senate now proceed to a period of morning business for 2½ hours, with the time equally divided and controlled between Senator STABENOW and the Republican leader or his designee, with Senator STABENOW controlling the first 60 minutes and the Republican leader or designee controlling the next 60 minutes,

with Senator STABENOW controlling the final 15 minutes; further, that during the controlled period of time, Senators be permitted to enter into colloquies and at the end of the controlled time, the majority leader be recognized.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Michigan is recognized.

#### UNEMPLOYMENT BENEFITS

Ms. STABENOW. Mr. President, I rise to speak on behalf of nearly 1 million people who have lost their jobs, who have now also lost their unemployment insurance benefits because of the extensive obstacles and objections that have been put forward in the Senate to extending this important program. I wish I could say this was the first time that had happened. It seems that every time we come to the floor in the middle of these very difficult economic times, even though things are getting better, every time we come to the floor on behalf of people who are out of work, who want to work, who have worked their entire lives but at this point can't find a job, all we get are objections and delays and weeks and weeks and weeks of people sitting on pins and needles, holding their breath, trying to figure out what is going on: Will they have the ability to pay the rent, the mortgage, put food on the table, be able to care for their kids while they are looking for work. Here we are, right back in that very same position.

Right now we have over 15 million people who are on unemployment benefits. That doesn't count those who are working part-time jobs or have fallen off of the system completely because they haven't been able to find a job and have been out of work longer than the insurance benefits will allow. We have 15 million people looking for work, and we are told there are about 3.1 million jobs available. That means there are five people looking for every one job opening. This is not a situation of people not wanting to work. In the State of Michigan, we know how to work. We work hard. We make things. We grow things. We work hard. Yet through no fault of their own, people find themselves in a situation where we have seen an economic tsunami go through our country, lasting in Michigan longer than any other place across the country. And even as we climb our way out—and it is getting better; we have turned the corner; the economic recovery provisions we have put in place we

know are beginning to make a difference—we still are in a situation, even as we are moving and turning the corner, where there are five people out of work for every one job opening. That is real life for too many people I represent.

We have had legislation in front of us. We have been spending weeks now on a jobs bill, a bill to create jobs, to invest in innovation, to help small businesses, to help manufacturers get the capital they need, but to also, in that bill, help people who don't have a job while they are waiting for all this to take effect, for all of this to work, people who have lost their jobs through no fault of their own, who find themselves in a situation where they are desperate and depending on us to understand what is happening to too many working families, middle-class families, people who never in their wildest dreams thought they would find themselves in this situation but here they are. They want to know that we get it, that we understand what is happening in their lives and that we are not going to play politics or use people who are out of work somehow as pawns in a political chess game that is going on here in the Senate.

The normal unemployment insurance benefits only last for 26 weeks, but thanks to the recovery act, we have been able to bridge the gap for millions of Americans by extending it. That is very important. But we are at a point now where the recovery has not fully been actualized. People are still in a situation where they need to have help on a temporary basis while they are looking for work.

Since this recession started in 2007, there are now 8 million fewer jobs in America, too many of those in manufacturing. I could spend hours talking about fair trade and what we need to do to make sure markets are open abroad for our products to be sold so we are exporting our products, not our jobs, and how we can have a fair trade policy. I am pleased that in the recovery act we have focused on making things again in America, battery manufacturing facilities and the advanced manufacturing tax credit, both of which I was pleased to be a part of leading to create jobs.

We are creating jobs. But it takes time to turn this around. We find ourselves in a situation where nearly 1 million people who have lost their jobs are going to lose their unemployment benefits because of what has been going on here. They don't have time to wait and hold their breath as we continue to work to turn this economy around. These are families trying to make ends meet. They are applying for jobs every day. They are putting in applications. I get e-mail after e-mail—and I will share some this evening—from people who are trying to find work, putting in applications, going back to school. We have all said to them: Maybe you need to go back to school. They have gone back to school to get retraining, but

they have to keep a roof over their heads while they are doing that. They have to keep food on the table, keep the electricity on for their families while they are doing that. That is what unemployment benefits allow them to do.

The last time Congress cut off emergency unemployment insurance benefits was after the terrible recession in 1985, when the employment rate was 7.3 percent. Today, 33 States and the District of Columbia now have unemployment that is higher than 7.3 percent. These are red States, blue States, Republicans who are out of work, Democrats who are out of work. It doesn't matter what party one is; if they lose their job, it is an emergency for the family. They expect the Senate to understand that and to act. In 16 of those States, unemployment is still higher than 10 percent. Many States haven't seen this many people out of work since the Great Depression.

When we look at the States where there are more than 1 in 10 people who have lost jobs through no fault of their own, we see a picture that is, in fact, America. I know one of those great States is the State of my colleague who is from Rhode Island. He has come to the floor on numerous occasions to speak about the people of Rhode Island, just as I have come on numerous occasions to speak about the people in the great State of Michigan. I am pleased the Senator from Rhode Island is here.

I yield the Senator up to 10 minutes to speak at this time.

Mr. WHITEHOUSE. Mr. President, I am delighted to be here with Senator STABENOW. I know from the experience of Rhode Island how difficult things are in Michigan. I have seen over and over the passion and energy with which she comes to the floor to argue on behalf of the people of Michigan. I join her this evening on behalf of the people of Rhode Island.

The unemployment insurance obstruction we are getting is simply cruel under the circumstances in Rhode Island. I know my friends on the Republican side like to argue that if we cut off people's unemployment insurance, that will motivate them to get back out there in the workforce where they should be, as if they were just idling around, as if they were not out looking for work.

In Rhode Island, we are at 12.3 percent unemployment. We have been the third or fourth highest unemployment State in the country for months and months now. This is not some sudden glitch in the accounting. This is a persistent economic nightmare in Rhode Island. We have been 15 straight months—more than a year—with double-digit unemployment. If we go back to 8 percent unemployment, we go back 22 months, nearly 2 years. This is a persistent problem. The notion that we will cut off somebody's unemployment insurance and have them go out and find a job is plain nuts in a State such as Rhode Island or a State such as

Michigan, because the job just isn't there to be found.

As Senator STABENOW said about Michigan, her folks are hard workers. Rhode Islanders are hard workers. We have a tradition of working hard in a whole variety of industries. There aren't a lot of people lying around enjoying the luxury of unemployment insurance payments. They want to be out getting work. Unemployment insurance payments let them search for work and feed their family, pay the rent, put gas in the car, buy shoes for the kids, put food on the table, all in the meantime. Our colleagues want to take that away.

Let's scroll back for a minute to why we are here in the first place. We are here in the first place because the people who were supposed to be regulating Wall Street were asleep at the switch. The people who were supposed to be regulating Wall Street were asleep at the switch because they were told to be asleep at the switch. It is the Republican theory of governance that regulation should have a light hand and that corporations know better and should really run the show. So the folks who were supposed to be regulating Wall Street were the captives of the big Wall Street financiers. They took all the breaks off. They let them run with crazy leverage ratios, new instruments such as derivatives and collateralized debt obligations, and they went right to sleep, the way they were supposed to. The result was a catastrophic Wall Street meltdown that could have been prevented if there had been a different theory of governance and not the theory of governance that we let the corporations run the show and that is the best thing for Americans.

But that is what happened. They let the corporations run the show. That theory of governance prevailed. There was a massive meltdown. That massive meltdown sent a tsunami of misery across this country into places miles from Wall Street, completely different from Wall Street, including States such as Rhode Island and Michigan. We have 71,000 people unemployed in my little State of Rhode Island. Those people need to get unemployment insurance while the economy recovers. We are not a 4-percent unemployment State or a 6-percent unemployment State. We are not even an 8-percent unemployment State. We are over 12 percent unemployment. There is not a job for these people. To take away the bread and butter, to take basic sustenance off the table is, frankly, unfair. We have even tried to get an extra 25 bucks added to the benefit. Republicans have objected to that.

Mr. President, 25 bucks does not seem like much, and indeed it is not much, but if you are just getting by with unemployment insurance because your State has been in recession for so long, as ours has, that extra 25 bucks is a meal the family does not have to skip; that is a trip to the doctor they do not have to duck because they cannot afford the copay; it is an important

little thing; and it is just symbolic of the attitude on the other side of the aisle that: Sorry, not interested. Tough bounce. We don't care.

We were on the floor earlier talking about how when it is a \$9 billion family and there is no estate tax on that because of the way the Republicans have driven this and \$4 billion in revenue is lost to the government as a result of this colossal estate being exempted from the estate tax, that is OK. But when it is 25 bucks for a working family to buy a pair of shoes for their daughter, no, that is too much. Now we have to get serious about the recession. Now we have to get serious about the debt. But when it is a \$9 billion family with a huge estate, no, different rules apply when it is very rich people.

Well, I am here for people like Dan of East Greenwich. He worked in sales. He has been unemployed since April 2009. His wife is disabled. He is out looking for work, but the jobs are not there, and he has not been able to find one. If he loses his unemployment insurance, Dan has let us know he will be evicted from their apartment. He and his disabled wife will be evicted from their apartment. That should not be happening. That is just bluntly wrong.

Bill of North Kingstown contacted me. He is 56 years old. He has been unemployed since January of 2009. He used to work in engineering. He has now been faced twice with eviction when the unemployment insurance has lapsed, and he is looking at eviction again. It is staring him in the face if we do not act. He has received only \$200 over the last 3-week period as his benefits have expired, and he has lost his COBRA benefits, but he needs medication. So he is stuck because we have not acted.

Nancy, from Portsmouth, is 59 years old. She has been unemployed for 21 months. She has a bachelor's degree. She has a whole variety of industry certifications. She has a background in sales and marketing. She is a talented woman who has worked all her life. Until she got swamped by the tsunami of misery that originated on Wall Street and has washed through all of our States, she was fine. But now, after 15 years of working in insurance, she cannot find a job, and she will soon lose her unemployment insurance benefits as the Republicans continue to block the extension.

So I would urge them to reconsider. I understand the point about the debt and the deficit and the spending. But, to me, that does not have an enormous amount of credibility because when President Clinton left office, he left an annual surplus and he left a budget trajectory that the nonpartisan Congressional Budget Office said was going to have us be a debt-free nation by 2008, I believe it was—a debt-free nation.

On the day George Bush was sworn into office, we were on a trajectory to be a debt-free nation during his term. There was even discussion in economic texts about whether that was really a

good idea. He solved that; at the end of his term, we were \$9 trillion in debt. We were not debt free. He were \$9 trillion in debt, and we had this economic meltdown that required government intervention to protect people, and that made it even bigger. But we would have none of this if it had not been for the Republican debt orgy they went through—fair-weather debt, I would add, an orgy of fair-weather debt—and then a huge hole because of their theory of governance and their theory of economics that has had to be filled in because of that tsunami of misery. That is why we are here. So it is a little late in the game and a little disingenuous to hear lectures from that side of the aisle about economic sobriety after that wild spending through those Bush years and the cleanup we have had to do since then. And these guys who are out of work and who need the help—folks such as Ron, Bill, Dan, and Nancy—should not be paying the price. We should take care of the people who are out of work through no fault of their own.

I thank Senator STABENOW.

I yield the floor.

Ms. STABENOW. Mr. President, I thank Senator WHITEHOUSE very much for his passion, his leadership.

Just to emphasize what the Senator was talking about on the floor in terms of where we have come from, I remember being in the House of Representatives in 1997, I believe, when we voted to balance the budget for the first time in 30 years under President Clinton. It was tough. We had to make tough decisions, but we did that, and we were on a trajectory so that by the year 2000—when I was elected to the Senate in 2001 and came into the Budget Committee—the big debate was what to do with the biggest surplus in the history of the country. We saw that big surplus, during the 8 years of President Bush, go red with red ink, down, down, down, down, so much so that when President Obama came in, the job loss was at about 750,000 jobs a month. We were losing 750,000 jobs a month. So we went to work and we focused on people in the middle class, on innovation and investing in businesses and creating opportunities and so on, and these numbers now, on jobs per month, have gone from a negative now up to a positive.

The challenge is—we are not done yet—do not stop what we have been doing. This jobs bill on the floor is to get us to a point where those numbers keep going up and up and up, so everybody who wants to work can work. We have turned this around in terms of job loss. The numbers are going up. But it is not enough. We are not there yet, and too many people are caught in the middle. In fact, even though the numbers are better and we are moving in the right direction, we still have five people out of work for every one job opening.

In a moment, I am going to ask for unanimous consent. I will let my col-

leagues on the other side of the aisle know that I will do that in about 5 minutes, to give them a heads-up. But in the meantime, I want to read a few letters and then turn things over to another colleague from Oregon who cares passionately about this.

I want to share with you what have been literally thousands of e-mails and phone calls we have been getting from people in Michigan. I go home every weekend, and I am constantly talking to people who find themselves in very tough situations—people who have never been out of a job before in their lives, never, and now they are in their fifties and trying to figure out what they are going to do, and they find themselves in a situation where they are having to depend upon unemployment benefits, which is the last thing they have ever wanted.

Judith from Taylor:

Both my husband and I have been unemployed for over a year now. We have been trying desperately to find work and haven't even gotten call backs for jobs we have applied for. It has been frightening and discouraging but we keep trying.

Because of our situation, we have been forced to sell our home and we will be closing this month, at a considerable loss!

That is the other piece of this. It is not just about a job. The next thing is you lose your house, and then the ripple effect goes from there.

The bank we have our equity with has refused to settle and has told us they reserve the right to come after us for the balance. We will be having to break into our retirement funds again with penalty. On top of all this, our youngest son, Nathaniel, is a combat medic with the 101st Airborne and will be one of the 30,000 that are being deployed to Afghanistan. Needless to say, my husband and I are on overload!! Please help the unemployed workers in Michigan by extending the emergency funds. PLEASE don't leave so many people literally out in the cold.

That is what is happening. That is what is happening right now by these efforts to block, to say no. We have come to the floor multiple times on individual bills to extend unemployment, plus the two times now we have voted to stop filibusters on the jobs bill. All we get from the other side is no, no, no. As my friend from Rhode Island said, when we get to the estate tax, it will be yes, yes, yes. And it will not matter where the funds come from, if they add to the deficit—oh, no, not for the few hundred people in our country who are the wealthiest.

When somebody is out of work, that is something different. When somebody is out of work, we have a set of rules that say: No, this is not an emergency. We have always said it is an emergency, with emergency funding. This is not an emergency? Well, I tell you what, when 15 million people are out of work, I would consider that an emergency. That is as much of an emergency as a flood, a hurricane, anything else we have seen in this country. Tens of millions of people out of work is an economic emergency and deserves emergency status here in this body.

Let me share one other story before asking unanimous consent. Michele from Suttons Bay:

I am a 50-year-old journeyman carpentry foreman who was laid off by a small construction company in December 2008 after 10-plus years with them. I have been looking for a full-time job ever since. I went through the state's retraining program last summer and am now a BPI certified energy efficiency auditor. But I can't afford to buy the equipment to start my own business. And no companies are hiring energy efficiency auditors right now. I have been looking for any kind of work that allows us to pay the mortgage and our other very basic bills.

My wife has a full-time job in retail. We have two sons—one is 16, and the other is 12. We have been surviving with the aid of my unemployment [insurance]. I have already gone through the state unemployment benefits, and I am now in the second period of [the] federal . . . program.

Please don't forget about us.

Well, that is what this is about this evening. That is what the legislation is about that we are focused on. That is what all of our efforts are focused on—jobs, creating good-paying jobs, partnering with business, manufacturers, small businesses, creating the atmosphere for private sector jobs, and remembering the people who, through no fault of their own, cannot find work today.

UNANIMOUS CONSENT REQUEST—S. 3520

So, Mr. President, on behalf of the close to 1 million people right now who have lost their jobs and are now losing their unemployment benefits, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3520, the Unemployment Extension Act of 2010; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE. Mr. President, reserving the right to object, I offered an amendment a week ago during the debate on the extenders legislation that is still on the floor of the Senate that would have paid for all the things the Senator from Michigan would like to see paid for, and we have things we need to do, such as unemployment insurance, an extension of that. We need to deal with the issue of these expiring tax provisions.

What we would do is simply say we start paying for things around here. So I offered an amendment that would do that. It was defeated here in the Senate. But at 8:15, I intend to come back here and offer that again as an alternative because I think probably everybody in the Senate agrees we need to address the concern of people who are unemployed in this economy, but we should do it in a way that is fiscally responsible. That is what my amendment will do. So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, before I yield to my friend from Oregon,

let me say the question before us is whether we take dollars from a jobs bill, from a Recovery Act, where we are creating jobs right now, which is what has been proposed over and over—that we basically take it out of one pocket and put it in the other. We want to make sure we are creating jobs and allowing the recovery—or what has been called the stimulus—to be able to work to do that, and it is beginning to do that. So taking dollars out of that pocket, which is what has been proposed by the other side of the aisle in order to be able to address unemployment benefits, doesn't make sense.

I would state one more time: We have always viewed the extension of unemployment benefits in times of economic hardship to be an emergency, just like any other emergency in this country. Our colleagues on the other side of the aisle are refusing to acknowledge that this is an emergency. It is an emergency. When over 15 million people are out of work, it is an emergency, and we should do as we have done under every Republican and every Democratic President. We have called it an emergency. We should continue to call it an emergency, and we should allow those benefits to continue.

I now yield 5 minutes to my colleague from Oregon.

Mr. MERKLEY. Mr. President, we have a chance on the floor of this Chamber to come and debate issues that are important to the success of our families across this Nation. There are some who will come to this floor and they will argue that we should do everything possible to help the most successful; that we should do everything possible to help the most powerful; we should do everything possible to help the wealthiest, those who already have secured the American dream. They have it in their hands.

I come tonight to argue a different case: that we should put our energy behind helping the working families of this Nation, families who are struggling in an economy where jobs have been disappearing left and right; where families are looking for work but there are multiple applicants for each and every job; where someone may be clinging to a job and then losing it when another firm goes under.

I am delighted we have arrested the slide into another Great Depression. We didn't know a year ago whether we were going to see every single month a 1-percent increase in unemployment until we were at 25 percent unemployment or 30 percent unemployment. So we did what we could to break that cycle, and it has been broken. But we remain at a very high level of unemployment—10 percent plus, on average, across this country and much higher in my home State of Oregon. I have Crook County in eastern Oregon, central Oregon, 17 percent unemployment; Harney County, nearly 16 percent unemployment; Deschutes County, 15 percent unemployment; Josephine, 14.5, and so forth.

Folks are struggling. I have been hearing a lot of stories from people back home, and I thought I would share a couple of those stories tonight to put a face on the challenge.

Dear Jeff: I have worked for 42 years and will lose my unemployment benefits after 6 months without your help. I have 3 girls in college and unemployment benefits are helping to keep us current on basic needs. We need your help in the Senate. This is our only lifeline. Please convince your fellow Senators to do the right thing for everyday families and not throw us under the bus.

That is Mike from Happy Valley. When Mike is saying "don't throw us under the bus," he is saying don't spend our time and energy helping the already successful, the wealthy and the powerful; strengthen the financial foundations of our working families.

Before us tonight is a key measure in that, which is the extension of unemployment benefits for families who are working, doing everything right.

Let me share another story.

Dear Senator Merkley: I have now been without unemployment benefits since May 16. I have been unable to buy food, gas, or pay bills. My son is home from college for the summer and I can't provide for him, either. There are essentially no jobs in Central Oregon. I apply daily. I would go to work tomorrow given the opportunity. Thank you.

That is Donald writing to me from Redmond. He has been without the ability to buy food, gas, or pay bills since May 16. Extension of unemployment benefits is a very real method to help families when we are in times of great economic duress.

It is intriguing to me that my colleagues across the aisle want to take away from the job creation efforts to pay for help for those who are unemployed. In other words, they want to create more unemployed in order to pay unemployment benefits.

Let's step back and realize that it is the policies of my colleagues across the aisle that created this economic crisis. They deregulated Wall Street. They allowed the leverage of major financial firms to double in a single year. Bear Stearns went from 20 to 1 leverage to 40 to 1 leverage in a single year. They allowed retail mortgages to become a form of scam upon working families with prepayment penalties and steering payments, which is a very polite term for payments that are made to brokers so they will sell a mortgage that is wrong for the family but which creates a big bonus for themselves.

They allowed the corruption of the most important financial document that is central to building the financial foundations of our families. They allowed Wall Street to put those into securities and poison all of the financial foundations of the firms that bought those securities.

All this built a house of cards that came down, and now they want to take away from job creation as a way of saying: well, we do care about people who are unemployed. We are just going to create more unemployed in the process. The logic of that escapes me.

Kate from Covallis writes to me:

I am 62 years old and was laid off my job a year ago last March.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. MERKLEY. Thank you, Mr. President. It is an honor to come and say we need to do right by working families in America, and we need to not do it by creating more unemployment.

Ms. STABENOW. Mr. President, I wish to again thank my friend from Oregon who consistently has come to the Senate floor to fight for jobs and to fight for people who are looking for work. I thank him very much for sharing those stories.

I now wish to turn to Senator BERNIE SANDERS who has been another champion in this fight.

Mr. SANDERS. I thank the Senator for all she is doing for the unemployed in this country.

I wish to briefly quote from an e-newsletter we sent out from our office which is [sanders.senate.gov](http://sanders.senate.gov), and this is what the newsletter said recently in discussing the unemployment situation in Vermont:

Adrian Keyser is one of more than 200 people who applied for eight licensed nursing assistant positions at Burlington's Fletcher Allen Health Care earlier this month. She has been unemployed since November.

Eight jobs, 200 people applying for those jobs. This is what she says:

I have been desperately seeking work. Just so many people are looking for jobs. It's very frustrating. It kind of gets on your self-esteem because you are trying so hard and nothing comes through. I know a lot of people that are out of jobs right now.

As Congress debates whether to extend benefits for the seriously and long-term unemployed, an estimated 23,000 Vermonters were jobless in April. Of those, 6,600, or 29 percent, were unemployed for 6 months or longer, according to preliminary data from the Vermont Labor Department.

Thousands of Vermonters who are looking for full-time jobs are only working part-time. The Labor Department estimates 24,100 are working part time, largely because jobs aren't available.

By the way, the recession has not hit Vermont as badly as it has hit many other States, but we have just heard of a situation where eight jobs were being offered, and 200 people were lining up for those jobs.

I wish to make a point about the priorities of many of my Republican friends, which I don't quite understand. When Senator STABENOW, a moment ago, asked for unanimous consent so that we can provide the desperately needed unemployment compensation for almost 1 million workers out there, there was an objection. The objection was, well, we have to pay for that. We have a large deficit.

I understand we have a large deficit and that we have a large national debt, but what I don't understand is that when it comes to tax breaks for billionaires, my word, we don't have to pay for that.

My understanding is that every member of the Republican caucus without

exception voted to repeal completely the estate tax. That would cost the government over \$1 trillion over a 10-year period—\$1 trillion over a 10-year period—and how was that going to be paid for? Oh, it wasn't going to be paid for—but not to worry.

What Senator STABENOW is talking about now is 1 million workers who are in desperate need of help in order to put food on the table, in order to put gas in the car so they can look for work. On the other hand, when you repeal the estate tax, you are not talking about 1 million unemployed workers, you are talking about the top three-tenths of 1 percent of our population, people who are millionaires and billionaires.

Our Republican friends say: Oh, it is OK. We can give them \$1 trillion in tax breaks. We don't have to worry about how we pay for that.

Actually, within a couple of weeks there is going to be another version of providing huge tax breaks for the wealthiest people in this country as another form of repealing the estate tax coming before the Congress. I wonder how much concern our Republican friends will have when that bill comes to the floor about how we are going to pay for that.

Right now, interestingly enough, there is no estate tax. For the first time since 1916, you could be a multi-billionaire and your family will not have to pay any taxes when you die. Last month, it turned out that the wealthiest person in Houston, TX, a gentleman named Dan Duncan, became the first multibillionaire to pass along his entire estate, estimated to be worth \$9 billion, to his family without paying any Federal estate taxes.

Now, I don't know, I may have missed it, but what that family would have been paying in Federal taxes is probably between \$3 billion or \$4 billion. That is a lot of money. That can provide a lot of unemployment compensation to workers who have lost their jobs and are living in desperation. Maybe my friend from Michigan, Senator STABENOW, can correct me, but I don't recall hearing any of my Republican friends coming to the floor and saying: Oh, my word.

We have a huge deficit problem. Yet right now billionaire families are not paying any taxes at all for the estate tax—the first time since 1916. I don't know. Did my friend from Michigan hear any great laments about that crisis? No. But when it comes to unemployed workers: Oh, my word, we have to pay for that.

The last point I wish to make is I get a little bit tired of being lectured by our Republican friends for the deficit we are in. Let's go over how we got to the deficit—or a good part of the deficit—right now. I voted against going to the war in Iraq. Most, or all, of my Republican friends voted for it. That war will cost approximately \$3 trillion by the time the last veteran gets the benefits he or she is entitled to. They

voted for it, but they forgot to tell us how they would pay for it.

During the Bush era, our Republican friends pushed for hundreds of billions of dollars in tax breaks for the wealthiest Americans. They voted for it; I didn't. The point is, please don't lecture us on the deficit that you largely caused.

With that, I yield the remainder of my time.

Ms. STABENOW. Mr. President, I thank my friend from Vermont for his passion. I now yield 5 minutes to the distinguished Senator from Rhode Island, Mr. REED, who is a true leader on this issue. He has been coming to the floor and standing up for working men and women. It is a pleasure always to work with him on this issue.

Mr. REED. I thank the Senator.

Mr. President, I am proud to be here with Senator STABENOW who is leading this effort to remind all of us of our obligations—to the most vulnerable Americans—those who have lost their work in this economic crisis, who are looking desperately for work. They have to maintain their families in this very difficult time. Traditionally, we always offer extended unemployment benefits, but memories are too short around here.

Let me take my colleagues back a few years to March of 2002 when the unemployment rate was 5.7 percent and we authorized extended unemployment benefits for 2 years and 1 month. I can't recall any great battles month to month about extending the benefits. I can't recall the "perils of Pauline" episodes where, as soon as we finish the 30-day extension, we have to literally begin the debate on the next one because we understand there will be five or six or seven procedural delays built in to prevent us from doing that.

Today, we are looking at, in my home State of Rhode Island, 12.3 percent unemployment. That is the official numbers. The unofficial numbers are much higher because the underemployment rate—people who are working part time, working odd jobs just to get by—adds significantly more people to the under- and unemployed rolls. We have never in this country declined to extend unemployment benefits as long as the unemployment rate was at least 7.4 percent nationally. Today, that rate is about 9.7 percent. We are more than two percentage points above what is traditionally—going back to the Eisenhower administration—the standard of when we can sort of release and dispense with extended unemployment benefits.

By any proportion, we are in the midst of a very serious economic crisis. What we have done routinely is extend unemployment benefits. Yet, we have had fierce opposition. Even in those times when we have been able to extend them, it has been after numerous procedural votes. That was not the situation in other administrations—Eisenhower, Nixon, Kennedy, Clinton administration, and the most recent Bush administration.

The reason, as my colleague from Vermont so passionately and eloquently pointed out, was we have to get hold of the deficit. Well, we are the people who got hold of the deficit. I can recall being a rather junior Member of the House of Representatives and voting for President Clinton's proposal, with not one Republican vote in the House or the Senate. Yet, that policy, together with the monetary policy of the Federal Reserve, resulted several years later in a budget surplus. Then President George Walker Bush walked into Washington with a \$236 billion budget surplus. But it weighed heavy. President Bush felt that he had to move that money out as quick as possible through significant tax cuts, which benefited the wealthiest Americans. Part of that tax bill was the estate tax, which has been dispensed with this year—a tax on the books since 1916.

All of that dissipated, undercut the surplus, and now we are in a significant deficit. Add the cost of the war in Iraq and other operations, and the cost of the Part D Medicare entitlement program that left many seniors without coverage—unpaid for, but a huge boon to the drug industry—all of that was on their watch. Now, suddenly, they are deficit hawks again. It doesn't ring true to people out there who are desperately looking for work and need something to support them.

There is also a very pernicious sort of argument that is made—sometimes between the lines and sometimes explicitly—that people want to be on unemployment because they are doing much better, and they are inherently lazy and they want to collect that money. In Rhode Island, unemployment benefits are about \$360 a week, or about \$15,000 a year. That doesn't buy much in terms of gasoline, in terms of food for your family; and it doesn't take care of those bills, such as a health care bill that comes up, or tuition, if you are trying to send your children to school.

One of the phenomenons today of this economic crisis is that it is not just affecting young workers entering the workforce, or transient workers, those who have a record of working and being laid off; this is hitting at people in their forties and fifties, who have had good, hard, high-paying jobs, relatively speaking, who have a mortgage and are trying to send children to college. That, unfortunately, is the face too often of unemployment today in the United States. Those people want to live on \$360 a week, and they don't want to work? I think that is nonsense. We have to extend unemployment benefits. We always have in the past, and we have to do it now.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield 5 minutes to the senior Senator from New York, and I thank him for his passionate leadership on behalf of our country.

Mr. SCHUMER. Mr. President, I compliment my friend and colleague, Senator STABENOW from Michigan, not only for putting this together but for being a clarion voice to the American people. She is one of those—and it is sometimes all too rare here—who talks through all the miasma and the fog, and all the barriers, directly to the average American. That is a rare talent and one that she shows repeatedly. I thank her for that.

I want to follow up on something my colleague from Rhode Island just mentioned, Senator REED, which is this idea that people don't want to work, and if we extend their unemployment benefits, we are going to develop a lazy class of people.

Let me tell you my experience. It is not that the rate of unemployment is the highest it has been since World War II, although it is far too high. That dubious honor goes to 1982, when it was 10.8 percent in that recession. The difference with this recession is that people are employed for a much longer period of time and, second, it goes way up into the middle class and upper middle class—people who have worked hard their whole lives.

When I go around my State, I often meet with the unemployed. I make a special effort to sit down and talk to them. I want to share a story or two, in case anybody is unconvinced of the anguish they go through and their desire to find work.

I met a woman upstate named Dorothy, from the Rochester area. She was about 50, not married and spent her whole life in her company. It was her life. She had risen to be the third highest person in the human resources department at Xerox, which had a big plant over in Webster. She lost her job in May of 2008. My guess is—she never said how much she made—it was probably between \$80,000 and \$100,000 a year—a nice salary. She told me that every day—I met her January 2010, or approximately then—she went online to look for another job—day after day after day. She still had not gotten a job. It was very poignant when she told me, with tears in her eyes, almost dripping down her cheeks—she said that the first thing she did when she woke up Christmas morning was not go to church or to visit her family but, rather, she went online for 2 hours, in the hope that there might be a job that had been posted the night before, Christmas Eve, and no one else would be going online and looking for the job then and she could get first dibs. Is this a lady who is in the habit of laziness, of wishing to get \$350 or \$400 a week in unemployment benefits? Absolutely not. She is looking every day.

I met a man named Clay. Unlike Dorothy, he was a blue collar worker. He had six children. His wife didn't work. He is the only breadwinner in the family. The children were ages 2 to 14. He had ridden to the top of his trade in the machine tools area. He lost his job in the summer of 2008. He said that

here is what he does every week: Sunday night, he gets in his car and drives to Virginia, looks for a job in Virginia on Monday. Tuesday, he goes to the Washington area. Wednesday, he goes to Baltimore. Thursday, he goes to Philadelphia. Friday, he goes to New York City. And late Friday night, he drives home. Then he starts the process again on Sunday night. He still cannot find work. He is desperate for work. He told me that now his children keep asking about the family's livelihood, because he is the breadwinner.

Are we going to cut Clay and his family off? Are we going to tell those children to go on welfare? This is a proud man and a proud family. To cut off benefits will affect 67,000 people in New York State; 60,000 will lose their benefits and another 6,000 to 7,000 will be prevented from moving to tiers. It is wrong. It doesn't look at the problem as is and is virtually inhumane and not part of the great tradition we have established in this country. I hope we will be able to pass this bill. I hope people such as Dorothy and Clay will not be cut off as they desperately look for work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend from New York for those very stirring words about the families he talked with. I think all of us can relate to that, as he was talking about someone from New York each day going to a different city and State to look for work.

I go back home every weekend. I go home Fridays and come back on Mondays. I am very frequently now on a plane with somebody who is coming to work in DC—or to look for work—from Michigan. Every week they are going back and forth. People are willing to get on planes to find jobs and to work. People are getting on planes now from Michigan and going across the country. I have talked to people who go from one end of the country to another on an airplane because they want to work. People want to work.

The idea that somehow we should treat this economic recession differently than any other recession in the history of our country—different than any other Republican President or any other Democratic President, any other Republican Congress or any other Democratic Congress, by somehow saying we are not going to categorize it as an emergency—which it is—to make that change, which is what we are talking about here on our side with our colleagues—to make that change, to allow that to happen would be to say to these individuals that we do not understand what is happening in their lives.

I want to take the final couple of moments of my time, before yielding to colleagues, to read a couple more letters. One is from Susan from Grand Rapids, who writes:

My husband has been out of work since September of 2009. His benefits will expire

soon. He has worked all his life, since he was 13 and he had a paper route. He is a veteran. We are 60 years old now. He applies for jobs every [single] day. He has a Bachelor of Science Degree and has worked for the past 20 years in the construction industry. He has had one interview. One. Out of hundreds of jobs he has applied for, not just in Michigan but all over the [country]. Please help us by extending the Federal unemployment benefit. I am frightened that we will lose our house. Sixty year old people should not have to be frightened of becoming homeless [in this country]. This is something you can do right now for hundreds of thousands of desperate people. Not a fix for future but helping the people that are struggling right now.

That is what this is about. Tonight, we can fix this by getting unanimous consent to do what every other White House and Congress has done—to declare that this is an emergency and fund this as an emergency, as we have done year after year after year in this country, given what is happening to millions of people in this country.

We care about the deficit. Some of us have voted to eliminate the deficit, as we voted for balanced budgets and put ourselves into a situation of economic prosperity under the Clinton administration, before it was wiped out in the last administration with deficit spending. But in caring about deficits, it is important to emphasize that we will never get out of deficit with over 15 million people out of work or 20 million or whatever the real number is. We will never get out of deficit with that many people not working and contributing. We will never get out of deficit, which is why we focus on jobs.

We have a jobs bill in front of us. So far not one Republican colleague—not one—has voted with us on this jobs bill to create jobs, to invest to create capital for manufacturers and small businesses, to invest in innovation and, yes, to help those who are currently without a job through no fault of their own. So far not one Republican colleague has been willing to join with us.

We are desperately concerned about the almost 1 million Americans who lost their jobs and now are losing their unemployment benefits. We are simply saying it is time to extend those benefits and to understand what is happening to people all over this country who have worked hard and played by the rules and find themselves in a situation where the world is just tumbling down around them—just tumbling down around them—no matter how hard they are looking and trying to find work.

Claudia from Commerce Township:

I worked hard all my life and this is the first time I have ever had to accept unemployment benefits to help me get by. Believe me, I do not want to be in this situation . . . I would like nothing more than to be working again. I was laid off in January of 2009 from a company that lost multiple contracts with the automotive manufacturers and fell on hard times.

A lot of folks in Michigan are in this story.

I have a great deal of experience in my field of expertise (Human Resources) and I

hold a bachelor's degree. I have been looking for a job for the past year. At times, I have been encouraged by success in assessment testing and interviews I've completed, but I always seem to lose out in the end. I have taken classes to brush up on my job search skills and believe I do well with my resume and in interviews. I even enrolled and paid for a course to assist me in getting an HR certification to make me more marketable. However, I am 56, and the fact is that in this economy—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. If I may have 30 more seconds to complete the sentence.

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

Ms. STABENOW. She said:

I am 56 . . . and employers are opting for the person with a master's degree—or frankly, someone younger . . . I am a hard worker, intelligent, efficient, trustworthy, honest, dependable and upbeat.

Mr. President, these are the folks we are talking about and for whom we are fighting this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I have listened very carefully to my good friend from Michigan. It is puzzling to me to hear her say what she said because she voted against the amendment by Senator THUNE last week which would have extended the expiring unemployment provisions until November and not added a penny to the debt. I want to say more about that in a minute.

What we are arguing about, what the debate is about is we want to extend unemployment insurance. We want to make sure the State and local tax deductions continue. We want to make sure tuition deduction and the various disaster relief credits and the research and development tax credits all stay in place. But we want to make sure it is done without adding to a Federal debt that we believe is out of control.

UNANIMOUS CONSENT REQUEST—S. 3347

Mr. President, before I speak about that issue, I wish to make a request which I hope is a request to which my colleagues could all agree. It is a bipartisan request on behalf of myself, Senator NELSON of Nebraska, and Senator VITTER of Louisiana to extend the Flood Insurance Program in Tennessee.

The largest natural disaster since President Obama took office is the flood of 2010 in Tennessee and a very severe flood in Rhode Island too.

On June 1, the Flood Insurance Program expired. This request I am about to make would permit that to be reinstated so small businesspeople could get flood insurance and get their loans. I will speak more about it in just a minute.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 372, S. 3347, a bill that extends the National Flood Insurance Program through December 31, 2010; that the bill be read a third time and passed, and

the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I certainly understand the concern about this particular program. This is something I support, and it is, in fact, in the broader jobs bill we have. Hopefully, within the next 2 days, we will get another vote to complete this along with unemployment benefits.

Given the fact that we are still in a situation where we have almost 1 million people whose unemployment benefits are running out and that is not included in this request, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALEXANDER. Mr. President, I am deeply disappointed. What I have done is ask to extend the Flood Insurance Program so that Tennesseans who are recovering from the worst natural disaster since President Obama took office could qualify for flood insurance so they could get their loans so they could operate their businesses again.

This does not add a penny to the debt. The money is there; the authority to do it is not. If you are in Rhode Island, if you are in Tennessee, if you are in New Orleans, if you are in any other place where you are waiting for flood insurance, you should know that Republicans just asked to extend the Flood Insurance Program so you could buy insurance, and Democrats just objected.

That is a very simple request. It does not add a penny to the debt. It is deeply disturbing to me this cannot be done in a simple way.

Tennesseans have not been looting and complaining despite the fact the flood of 2010, as I said, was the largest natural disaster since President Obama took office. Nashville alone had \$2 billion of damage, maybe more than that. There were 45 counties the President eventually declared disaster areas. He declared other counties as disaster areas because of agricultural crops that were washed out. Thousands of homes in Nashville alone—people lost everything in their basements. That means their heating and cooling and all of that equipment. But in many places, in Bellevue, in Nashville, in Millington outside of Memphis, in Clarksville, TN, they lost much more than that. Twenty-nine people lost their lives in this flood—29 people. This was a huge natural disaster.

The President did not ask for extra funds for Tennessee. No one is complaining about that either. FEMA has done a good job with what it has done, but what good does it do for FEMA to be on the site and available, for small business loans to be available, and for flood insurance money to be available, and for Congress to object to a unanimous consent request to allow new policies to be written?

I am deeply disappointed. Let me address a couple of other things I heard said on the floor of the Senate tonight.

I heard some talk about jobs. From our point of view, the American people are concerned about jobs, debt, and terror. That is why the ferment in the country. That is why the people think the country is headed in the wrong direction. Jobs, debt, and terror. We have 10-percent unemployment. If we continue to grow at the rate we grew in the first quarter, we will be at 10-percent unemployment in the last quarter of this year. Jobs, debt, and terror.

Why do we have fewer jobs? Why do we have 10-percent unemployment? The distinguished Senator from Michigan talks about Republican actions, but I am thinking about what the Democrats have been doing the last year and a half. Every step they seem to take talks about jobs but causes us to have fewer jobs. For example, take the health care law which was passed in this Chamber by a purely partisan vote. The health care law taxes job creators and investors. That means fewer jobs.

The financial regulation bill that is being debated today, passing in a partisan way, puts higher tax rates on small business owners. Higher tax rates on small business owners means fewer jobs.

The debt is going up. That is the real argument we are having. We reached \$13 trillion. There are various ways to describe what has happened, but one way to describe it is this: All the Presidents from George Washington to George W. Bush ran up a debt of about \$5.8 trillion. President Obama, in his two terms—if he has two terms—is going to double that debt all by himself. That is what his budgets say. Doubling the debt in 5 years and nearly tripling the debt in 10 years means less credit, higher interest rates, less capital, and fewer jobs.

The financial regulation bill I just discussed—one can watch it being dealt with during the day on television. If one listens carefully to what is being said, it amounts to a Washington takeover of Main Street credit; another big Washington agency telling banks and credit unions, automobile retailers, and dentists what to do about credit.

What is the inevitable result? They are going to shrink away from providing that credit. It is going to be harder to get a loan, harder to get credit, so this financial regulation bill, which was supposed to be tough on Wall Street, is going to be hard on Main Street because it means fewer jobs.

When it comes to jobs, the difference between our friends on the other side and the Republicans on this side is that we are focused on creating an environment for growing private sector jobs. They are focused on creating more government jobs. About the only place the job creation plans and stimulus plans they have enacted are working are in Washington, DC, where incomes are up

and jobs are up. But not in the small towns of Tennessee and not in the small towns across this country, people are out of work. They are out of work because of higher taxes, higher debt, higher spending, too many Washington takeovers, too much focus on more government jobs, and not enough focus on an environment in which to create more private sector jobs.

I mentioned a little earlier there was talk earlier about the unemployment provisions we want to be extended. Senator THUNE will be here in a few minutes to talk about his amendment he offered last week on June 17.

Let's be very clear. The Thune amendment, which every Republican voted for and attracted a Democratic vote but Democrats voted it down, would have extended the expiring employment provisions until November. It would have extended for 1 year dozens of tax provisions. It would have extended the State and local tax deduction, the tuition deduction, the various disaster relief credits, the flood insurance provision that was just objected to. It would increase the payment the government makes to doctors for treating Medicare patients.

The American Medical Association said a little earlier this week that 30 percent of doctors, family physicians, will not see new Medicare patients. This would have taken care of that.

I see the Senator from South Dakota on the Senate floor, and I am sure he will speak more to that when he has the opportunity.

In my concluding remarks, let me say one word about debt and spending. Our policies, the policies of this Congress and this government, are short-changing our children. The Democrats' runaway spending and debt is a serious crisis ruining the future of our children. That is why we do not want to pass even an unemployment compensation bill that adds to the debt. We want to pass it, but we want to make sure it does not add to the debt.

Why do I say it piles up a debt on our children? In January of 2009—if you divide the national debt across each child under 18, in January of 2009 each child's debt was \$85,000. By June of 2010, it was \$114,000. By January of 2017, it will be \$196,000. Because of budgets—and these are the budgets proposed by a Democratic President—during the next 7 years, each child's share of the national debt will more than double, going from \$85,000 to \$196,000.

Here is another way to think about it. All the Presidents combined from George Washington to George W. Bush took 232 years to build up a \$5.8 trillion debt. President Obama's budgets will double that debt in 5 years and triple it in 10. What that means is all 43 Presidents combined, from George Washington to George Bush, ran up a \$5.8 trillion debt in 232 years. In 8 years, President Obama will add twice that much to the national debt, tripling the debt.

We on this side of the aisle and a growing number of Democrats, I am

sure, and I know across this country a growing number of Americans are saying this national debt is a serious crisis. So we are grateful to the Senator from South Dakota and to others who recognize the real needs of this country, whether it is unemployment compensation, whether it is flood insurance, or whether it is important for doctors to be properly paid, reimbursed for dealing with Medicare payments. We can afford that in this country, but we need to pay for it. We need to do it without adding to the debt.

So I am deeply disappointed that Democratic Senators have objected tonight to providing flood insurance to Nashvillians and other Tennesseans who need it. The money is here; the authority is not. It could have been given tonight. We could have passed it. Tennesseans aren't looting or complaining; they are helping each other and cleaning up. This is an unfortunate slap in the face to Americans who are helping themselves get out of trouble, and I regret that it happened.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

UNANIMOUS CONSENT REQUEST—H.R. 4853

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the text of the Thune amendment 4376 be inserted; that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, Mr. President, my colleague's proposal takes money out of job creation to pay for helping people who are out of work. One of the provisions in his proposal would take \$37.5 billion away from creating jobs in order to create help for the unemployed and then create more people who are unemployed. So I regret to say I will have to object to this request.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I would like to speak to the amendment I just proffered to the other side which was objected to.

I think there is a consensus in the Senate that we need to fix some of these problems we are facing, one of which is the expiration of unemployment insurance for people who are unemployed. There are a lot of tax provisions that are expiring that need to be extended, things such as the research and development tax credit, which is critical to innovation and competitiveness in this country, and a whole range of other tax credits which affect a broad range of our economy.

Also, I believe it is important that we provide some certainty to people who depend upon Federal policy, and one of those groups would be the physicians in this country who rely upon

Medicare reimbursements for much of their survival because they treat so many Medicare patients. Much of the patient base for many of the physicians in my area of the country, where we have a high elderly population, is Medicare. Obviously, physicians have been facing—up until last week—a 21-percent cut. That was addressed for 6 months, so we have fixed that. We have dealt with it for 6 months. Obviously, that is an issue that will come up again. What my amendment would have done was to solve that issue not just for the next 6 months but to the end of the year 2012. So physicians in this country would have gotten an additional 2 years of relief, so to speak, with regard to their reimbursement.

So I would suggest that inasmuch as these are all things we agree need to be done, the real basic disagreement here revolves around how do we do that.

What the other side has put forward is a series of proposals, starting with the first one, that had \$70 billion in tax increases and almost \$80 billion added to the Federal debt. The last proposal that was put forward by the Democratic majority had \$50 billion in tax increases and \$55 billion added to the Federal debt. We hope that this week we are going to see that slim down even further, and I would suggest we are making progress in the right direction. But I think it is still fair to say these things need to be paid for.

As many of my colleagues have pointed out, we have \$13 trillion in debt that we owe. That includes debt that is owed between governmental agencies—we call that intergovernmental debt—as well as debt held by the public. If you can find it, the debt held just by the public is about \$8.6 trillion. But remember, we are talking about trillions and trillions of dollars.

As my colleague from Tennessee just pointed out, it took 43 Presidents 232 years to get to \$5.8 trillion. The amount of debt we compiled and accumulated between 1776 and 2008—232 years of American history—was \$5.8 trillion. Now, under this President's budget, we will equal that amount in the next 5 years and double it in 10. In other words, we will double the Federal debt today in 5 years and triple it in 10. That is an astounding number. If you think about all of American history up until the year 2008—232 years and 43 Presidents to get to \$5.8 trillion—we are going to double that amount in 5 years and triple it in 10. Staggering.

Under this new administration, we have already racked up enormous amounts of new debt because we added \$1 trillion to the debt to pay for a stimulus bill which has not shown any evidence of job creation other than jobs that have been created here in Washington, DC, at the Federal Government level. I think you could argue that Washington's economy has benefited because we have created some government jobs, most of which are temporary census jobs. But if you look at the overall job statistics, we have lost

somewhere in the neighborhood of 3 million jobs since the passage of the stimulus bill.

We passed health care expansion, which was sold as health care reform but, frankly, does little to reform health care and certainly doesn't do anything consequential to reduce health care costs. I think most Americans now realize, as insurance premiums continue to go up and as the Actuary and the Congressional Budget Office and the Joint Tax Committee all attest to the fact, we are going to see the cost curve bend up, not down, as a result of the passage of health care reform. This is a \$2½ trillion expansion over a 10-year period, when it is fully implemented.

That is a massive new entitlement program on top of the entitlement programs that are already bearing down on us and leading us toward a situation where, in a very few years if we don't take some serious steps, this country is going to be bankrupt. We are going to be belly-up. It is as simple as that. You cannot continue to sustain trillion-dollar deficits year after year after year, which is what we are facing for the foreseeable and long-term future, and expect that we are not going to completely drive this country into the ditch.

So the amendment I offer pays for things. It says: Let's change the way we do things around here. Let's quit handing the bill to our children and grandchildren. Let's quit putting it on the credit card and saying to the next generation: You pay this.

There is certainly nothing wrong with the things the other side is trying to accomplish. As I said, I think there is consensus about addressing these serious needs in our economy right now. But the difference of opinion exists here about, how do you do that? We are simply saying: Let's pay for things. Let's start doing something different here in Washington. Let's do what the American family has to do, what the American small businesses have to do. Let's pay for things, for crying out loud. That is what my amendment would do. It would say: Here are some ways we can shave some savings and we can cut spending here in Washington, DC, and do all these things we think we ought to do without adding to the debt and without raising taxes in the process.

A few months back, here in the Senate, we passed legislation which was labeled as historic and passed to great fanfare. It was called pay-go legislation, and it created pay-go rules that suggested that from now on we are going to start paying for things. What has happened since the passage of pay-go? The Senate has approved, if you count the not-paid-for portions of the bill that is on the floor right now—of course, that hasn't been approved yet, but assuming it were—nearly \$200 billion of new debt. From the time we said we are going to start paying for things, which was a few short months

ago, we have waived the very rules that were going to put us on a path to fiscal responsibility and fiscal discipline, declared everything an emergency, and added almost \$200 billion to the Federal debt.

So here we are today debating yet again another measure that will add more to the Federal debt, that will impose taxes on small businesses in our economy at a time when they are trying to get some momentum to help churn us out of this recession, get us back to where we are creating jobs and to a period of economic growth. All we are doing is piling new taxes on them—taxes on investment, taxes on small businesses, and taxes, of course, with the recent passage of the health care bill, literally on everybody because all those tax increases are going to get passed on to the American consumer.

So where are we? Here is where we are. There are a number of things that can be done that would do what the other side wants to do—to pay for the extension of unemployment benefits. One of those things would be that we could save the necessary amount of money to pay for this now.

The cost of extending unemployment benefits in the Democratic proposal, by the way, is \$33 billion. That is a substantial amount of money, but there are many ways in which that could be paid for, all of which were included in my amendment last week, but let me suggest a couple of discrete parts of that amendment that might be stripped out and used to pay just for the unemployment insurance.

We can pay for the extension of the unemployment benefits by returning unspent stimulus funds, which would save \$34.5 billion. So the \$33 billion in unemployment benefits that need to be extended to people who have lost jobs in the recession could be paid for by returning unspent stimulus funds to the tune of \$34.5 billion. So there would be enough to pay for the unemployment benefits and some left over.

It could also be paid for through a 5-percent cut to the 2010 appropriations and an expansion of the affordability exemption to the individual mandate in the health care reform law, which together would save \$33.5 billion. So that would give the \$33 billion that would be necessary to pay for the extension of unemployment benefits.

Alternatively, it could be paid for with the rescission of other unspent Federal funds, which would pay for it by saving \$56 billion. So you could take care of the unemployment benefits, you would have \$33 billion that is necessary to pay for that and \$23 billion left over, hopefully to be put toward the Federal debt, which would be the best thing we could do for our children and grandchildren.

Finally, it could also be paid for with the inclusion in this bill of medical malpractice reform, which was also included in my amendment last week. That would save about \$50 billion. So you would have \$50 billion to pay for

the \$33 billion in unemployment benefits and have \$17 billion left over to put toward the Federal debt, which again would be the best thing we could do for our children and grandchildren.

So all these arguments that are made by my Democratic colleagues that these things are Draconian just aren't true. These are commonsense things that would give us the necessary resources to take care of the problem that is in front of us today but do it in a way that doesn't add billions and billions of dollars to the Federal debt, exacerbating what is already a very serious circumstance facing our children and grandchildren, which the Senator from Tennessee did a very good job of outlining. If you are a child under 18 in America today, the amount of debt you own is about \$85,000. By the year 2017, that is going to be \$196,000. So if you are a young person in America today who is under the age of 18, your share of the Federal debt is \$85,000. Ten years from now, that will be \$196,000—in fact, less than 10 years from now; in the year 2017.

I think all that leaves us with a very clear choice when it comes to how we solve problems here in Congress, here in the Senate, and how we deal with the immediate question before us this evening: How do we extend unemployment benefits to those who have lost jobs in the recession?

The other side has come forward with a proposal, again with billions and billions and billions of dollars that are not paid for, and that does go on the debt and that does get passed on to our children and grandchildren.

What we are offering are some commonsense ways, which means the Congress and the Federal Government may have to live on a little bit less. They are things that would require the Federal Government to go on a diet, if you will, in the same way the American people are having to go on a diet. The American people are being asked, because of this tough economy, to make hard choices with regard to their family budgets, with regard to their individual and personal lifestyles, with regard to their businesses. Everybody in this country is having to make decisions about cutting back a little bit. We could address this issue by just asking the Federal Government to take a little bit of a haircut, put the Federal Government on a little bit of a diet. We can achieve the savings necessary to pay for the proposal that is before us.

Again, as I said, \$33 billion fixes the unemployment benefit issue, and I have just named four ways that could be paid for, with money left over that could be put toward the Federal debts. That is what this is about. That is what the discussion here is. This is very straightforward.

My colleagues on the other side have come up here this evening and will continue to offer unanimous consent requests to go ahead and do this but not pay for it, and people on our side are getting up and saying: Wait a minute.

No, I object, and here is why. And the reason is because we believe in a very straightforward way that we ought to start doing what I think the American people expect of us, and that is for us to live within our means in the same way they do.

Unfortunately, regrettably, today, that is not what is happening here in the Congress. Year over year over year, we continue to spend and spend and spend and borrow and borrow and borrow like there is no tomorrow. Well, the chickens are going to come home to roost. Someday, the bills have to be paid. People where I come from in South Dakota understand that. There is no free lunch. When you borrow money, it has to be paid back. You can't spend money you don't have.

Those are all things that are happening here in Washington, DC today. We are spending money we don't have and we are borrowing money we don't have any idea about how we are going to pay it back. All we are simply doing is giving it to the next generation so they will have a bill facing them and a future that will shackle them with debt that they will be dealing with for their lifetimes and probably the lives of their children and grandchildren as well.

By way of illustration, because I think it is important to put things into perspective—sometimes I think it is very difficult to come to grips with what is \$1 billion, what is \$1 million, what is \$1 trillion. I tried to break that down, to put it in perspective for myself so I can understand a little better what we are talking about. The numbers, the number of zeros on the end of that number, can be almost mind boggling to the average person in this country. Most of us are not used to dealing with numbers that are in that ballpark of \$1 trillion.

What a trillion seconds is—if you took a trillion seconds, what would that translate into, by way of illustration and example—a trillion seconds, if you broke that down into years, would be almost 31,000 years; 31,746 years is what a trillion second is. If you take \$1 trillion and you make a second a dollar and try to put it into terms I think the average American can understand, a trillion seconds represents 31,746 years.

Since most of us here are probably not going to live much more than 80 years—hopefully if we are lucky, we will live beyond that. Most of us here are going to live under 100 years. When you talk about a trillion seconds, which in the last—we have seen about 15 seconds pass here, and you add that up to a trillion, that is 31,746 years. Think about what \$1 trillion represents, how much that is, the scale, the dimension we are talking about and what we are doing to future generations of Americans if we do not start taking the steps that are necessary to pay the bills around here.

This amendment I offered and that was objected to by the other side would have done that. It would have fixed the

physician fee issue, not just until November of this year but for another 2 years beyond that, to the end of the year 2012. It would have addressed the issue of the expiring tax provisions which we are all concerned about. It is an important tax policy that needs to be extended that has expired and needs to be addressed. Also, as I said earlier, there is of course the issue before us this evening of unemployment benefits which, at a cost of \$33 billion, could easily be offset by any of a number of things I suggested this evening.

I see my colleague from Utah has arrived on the floor. I know he too has an amendment he wishes to offer that I think makes a lot of sense. When it comes to creating jobs, he is someone with a small business background and understands what job creation is about and I understand he will have a request he will make of our colleagues on the other side as well, so at this point I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank my colleague from South Dakota for the comments he has made and appreciate the time he put into this effort.

We are talking about jobs. That is the issue. The House bill, H.R. 4853, has to do with taxes that would supposedly increase the number of jobs. In that atmosphere, I wish to revisit the Main Street Revitalization Act of 2010 which I offered some time ago, which has to do with small business and tax activities with respect to small businesses.

Let me remind the Senate that small businesses are the economic engine of our economy. Historically, small businesses have been responsible for all of the net new job creation in the United States. At times when large businesses downsize, small businesses grow. Many times, small businesses are created by people who have lost their jobs with the large business and, in an effort to find someplace to find work, they create businesses of their own. I have had that experience. I have lost my job and said, somewhat facetiously but with more accuracy, I had to start my own business because nobody else would hire me. Many of the businesses I started or was involved with failed, but enough of them succeeded that we were able to create jobs, not only for me but for all of the other people who were involved with me.

When I was the CEO of a business that started out with four—I was the fifth employee hired—we took it ultimately to the New York Stock Exchange and hired 4,000 people. This was a demonstration of what could happen with small businesses. With that business I was able to overcome all of the financial losses that occurred in the businesses I started that didn't work.

As I pointed out before, we did that during what the New York Times has called the decade of greed, because that was the period when Ronald Reagan was President and the top marginal tax

rate was 28 percent. I understand the impact of a tax rate at 28 percent because we financed that business with internally generated funds. Yes, we had a line at the bank but we didn't sell stock—because I am not sure anybody would have bought it. We got to keep 72 cents out of every dollar we earned during the decade of greed. That is what allowed us to go from 4 jobs to 4,000 jobs over about that 10-year period.

Today the top marginal rate, when you add the additions that have been made with respect to the Medicare taxes, is over 40 percent, a very significant increase from the 28 percent we had during the time the New York Times was so scandalized by the fact that small businesses were not taxed enough. I can tell you they are not only taxed enough now, they are taxed too much. This recession has hit small businesses particularly hard.

One of the problems dealing with the challenge of creating a small business as you try to get capital is not just the higher tax rate but a lack of certainty in the capital marketplace. Unfortunately, this lack of certainty has been exacerbated by some of the activities of this administration.

My bill, the Main Street Revitalization Act, tries to address these issues and make a circumstance where a business can have a degree of certainty with respect to their tax position and an opportunity to grow the business in an atmosphere that will move a little closer to that atmosphere with which I was so familiar during the Reagan years. There are three targeted tax breaks in my bill that I wish to talk about in detail.

The first one provides a 10-year net operating loss carryback provision for qualifying businesses whose average gross incomes are \$5 million or less. One of the things you learn when you start a small business is that the only thing slightly better, but still bad, for a small business is earning a profit. The worst thing, of course, is a loss. But as soon as you earn a profit the tax man shows up and says "I want mine." I want my 28 percent, if you are in the Reagan years. I want my 42 percent now in the Obama years.

But I haven't got the cash, you say, if you are running a small business. I can't pay the taxes. That money I have shown on a profit and loss statement is tied up in inventory and accounts receivable.

No, says the tax man, I want it now and I want it in cash.

If you have a net operating loss carryback, you can say let me go back and take those years in which we were not earning a profit and apply them, average them in with this time when we have started to earn a profit and thereby avoid paying that tax at this crucial time when I need the cash to grow the business. That is the first thing. We provide a 10-year net operating loss carryback provision for qualifying businesses. It is only, as I

say, for businesses with average gross income less than \$5 million—genuinely a small business.

No. 2, the bill expands the definition of section 179 expensing to include structural changes to the physical property and it makes the current \$250,000 deduction limit permanent. Again, you are starting the business. You have earned some money. You have had to put that money into a physical improvement on your property. But the tax man says I want it in cash. You can't do it, you can't make the business grow without investing it in your property. We expand the definition of this expensing so that you get a tax advantage there.

No. 3, there is, under current law, a startup cost deduction of \$5,000. That is fine but it is not enough in today's world to make a difference for a business to survive. My bill would increase the current startup cost deduction from \$5,000 to \$20,000. This would encourage entrepreneurs to invest now rather than wait for the economy to improve. This says we will exempt this amount up to \$20,000. It will produce a significant increase in the number of small businesses.

Nationally there are 5 million to 6 million small businesses that would qualify and benefit from this bill. In Utah we have done the examination. It would be about 70,000 small businesses. If the 70,000 small businesses that would benefit from this would each hire one additional person, that is 70,000 more jobs in the State of Utah. If they were to hire two additional persons, that would be 140,000 new jobs, which is more than the national increase in hiring that occurred last month. It is not a big deal, one employee per business, if we adopt this bill. It would be a very big deal for the impact on the economy as a whole.

Because it is for only businesses with revenues of \$5 million or less, we can be sure this is not going to be something that big business is going to take advantage of. We can be sure that all of the concern about bailout of large corporations—it does not apply; my bill would not make any impact at all on that end of the economy.

I have a small business owner in Utah who wrote me a letter with respect to all of his challenges. Let me share with you some of the points he made in his letter that I think apply. He said:

I own a small business here in Utah . . . that had employed 20 people and now I am down to 4 people, as I cannot get financing.

I have put close to \$2 million into technology development and we are ready to launch, but we have run out of funds and can't find investor groups . . . willing to take a risk.

I would hire 25 to 30 new people if I could receive the funding that I need to launch my product. Banks won't lend, people are holding onto cash . . . and I don't want to violate the SEC rules so raising funds is difficult.

I had hoped the government would have made Stimulus funds easier to receive by those businesses that could make a difference in the lives of so many looking for employment.

I have a lot of potential business . . . but may need to shut the business down and lay-off the rest of the workers, due to lack of funding.

I believe the tax provisions that are in my bill would make it possible, or easier at least, for this particular small businessman to find the funding he needs and to hire those additional people he talks about. His business plan is sound but his financial circumstance is very difficult.

What this letter tells me, and my own observation elsewhere, is that the stimulus that was supposed to save our economy has not gotten down to small business one bit. This is exactly why I opposed the stimulus bill in the first place. Most of it has been spent in public arenas and has not hit the small business world. The Main Street Revitalization Act will help enable this company to quickly and efficiently access the capital they need to keep the business running, create new jobs, and eventually help them grow and expand.

UNANIMOUS CONSENT REQUEST—H.R. 4853

With that background in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853, that all after the enacting clause be stricken and the text of S. 3083 be inserted; that the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, I first commend my friend from Utah for speaking about small business. This is something that we share a very strong passion regarding. In fact, we are operating right now under some small business reforms that have already been passed this year and a 5-year net loss operating carryback—not the 10 years my friend has talked about, but we have begun that with 5 years.

The section 179 expensing was passed in the jobs bill, which is very important. I am hopeful we will be able to join together on a bipartisan basis when our leaders bring to the floor a small business bill that will exempt capital gains for small business, increase the availability of loans, and that we might work together on the other provisions that my friend has suggested from his bill.

At this point, I will object but look forward to working with him on these very important measures.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I thank the Senator from Michigan for her spirit of cooperation. I am sorry she is required to object. I must confess, I am not particularly surprised. But I appreciate the opportunity to have this discussion and deal with this challenge. If I may close my presentation with, once again, making a comparison between what happened in the 1980s when we created the business that I described and what we are dealing with now.

I remember, in a business prior to the one I just talked about that I was running, during the Carter administration, I went to the bank begging—that is the operative word—begging for a loan, without which we could not meet payroll. I was overjoyed when the banker finally agreed to give us a loan at 21 percent interest.

That was the circumstance through which we were living in those times. We talk about the Great Depression of the 1930s. I remember, very vividly, the great inflation of the 1970s—21 percent interest so that I could meet payroll. That business, to use Abraham Lincoln's words for his store in New Salem, IL, winked out. We did repay the bank loan, but we could not keep the doors open. It was just a few years later that we started the other business during the Reagan administration when the tax circumstances had been changed dramatically.

The Reagan administration inherited the results of the great inflation from the Carter administration, much as the Obama administration has inherited the results of the great housing bubble from the days of the Bush administration. I will not make any attempt to put blame on a partisan basis, but those were the time lines. It was the Carter administration that was there during the time of great inflation; it was the Bush administration that was there when the housing bubble burst. So each President had a dilemma thrust upon it.

Ronald Reagan approached his economic challenge with tax cuts, and it produced the kind of job creation and ultimate economic growth that we are talking about. Reagan was very unpopular in the election that followed his election for President, and his party lost a considerable number of seats in that period. But 2 years later, the economy was roaring forward on such a strong basis, as a result of the Reagan tax cuts, that he was reelected in a landslide.

President Obama chose a different economic theory from that which Ronald Reagan embraced. President Obama followed the advice of the Keynesians and instead of trying to have tax policy that would stimulate the economy, he went to a spending policy to stimulate the economy.

The political pundits are saying President Obama will see losses in November the same way President Reagan did in the off-term election following his Presidential inauguration. My fear is that we will not see the recovery following that because of the Keynesian economics embraced by President Obama. My fear is this recovery will continue to be sluggish, and the unemployment rate will stay very close to double digits.

There are a lot of people who dismissed Ronald Reagan as something of an uneducated, almost simple-minded individual. I would point out Ronald Reagan was the only President we have ever had whose college degree, from his

days in Illinois, was in classical economics, pre-Keynesian economics, back in the days when a college degree from any kind of college was something of a rarity. He brought that concept of classical economics into the Presidency and saw a reversal and an end of the great inflation and set off a period of great prosperity for a long time and is considered one of the pivotal Presidents of the last century.

I disagree with the economic policies of this President. I hope I am wrong and that the recession we are now in ends with the same kind of success story that Ronald Reagan had. But I am afraid I am right and we will see this recession drag on for a longer period of time.

With that little bit of nostalgia, I thank the Senators for their indulgence.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### KAGAN NOMINATION

Mr. BARRASSO. Mr. President, I just returned from spending a weekend in Wyoming talking to many people around the Cowboy State who are concerned about our Nation, concerned about the growing debt, concerned about jobs and the economy, and the concern that Washington has taken our eye off the ball.

They also have considerable concerns and questions specifically about the nominee to the Supreme Court, Elena Kagan. I heard this when I was in Thermopolis, WY; when I was in Sheridan; when I was in Casper.

So what I want to do is spend a few minutes discussing and questioning the views on the second amendment of Elena Kagan. The second amendment in Wyoming, as you know, is nothing we take for granted. It is something we hold very dear. We do not take it for granted because our lives depend upon it.

The second amendment allows us to defend ourselves from harm. It also puts food on our tables. These are the values and the virtues that make this issue so important to Wyoming. I understand next week Ms. Kagan's hearings will begin. It is my hope we will have a clear picture of where she stands on the right to keep and to bear arms.

The window into her views is small. I hope the hearing will open that window wider for the American people. Her clerkship to Justice Thurgood Marshall and the documents connected to her time in the Clinton White House only crack that window a little bit. I want to hear from her.

I want to hear why Ms. Kagan recommended to throw out the *Sandridge v. the United States* case from the Supreme Court. This is a case that involved an individual charged with possession of a handgun and ammunition in the District of Columbia.

In a one-paragraph recommendation to Justice Marshall, Ms. Kagan wrote:

The petitioner's sole contention is that the District of Columbia's firearms statutes violate his constitutional right to keep and bear arms.

She went on to write:

I am not sympathetic.

I want to know why she was not sympathetic to Mr. Sandridge. The second amendment explicitly says:

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Well, as we know today, the DC gun ban, the law, was clearly unconstitutional. The individual right to keep and bear arms has been affirmed by the Heller case. Mr. Sandridge's rights were violated. Ms. Kagan had the opportunity to recommend that the Court hear the case, but she did not recommend it.

Was this recommendation a legal opinion or was it a political opinion? The second amendment is pretty clear: The right of the people to keep and bear arms shall not be infringed.

During the Clinton administration, Ms. Kagan served as associate White House counsel. The role of the White House counsel's office is to provide the President with the best legal advice possible. This is not a political office.

According to a 1996 memorandum released by the Clinton Library, Ms. Kagan raised concerns that certain organizations would be exempted from liability under the Volunteer Protection Act. This legislation was aimed at providing protections to volunteers, to nonprofit organizations and governmental entities in lawsuits based on the activities of volunteers.

In a memorandum she wrote, she branded some of these organizations as "bad guy orgs." I assume that is bad guy organizations. The bad guy organizations she was referring to she listed as the Ku Klux Klan and the National Rifle Association. So in her capacity as counsel to the President, I want to know why she was concerned that the NRA, the National Rifle Association, would be covered in the Volunteer Protection Act. I want to know why she grouped a violent racist hate organization with the NRA. The NRA, the national organization and chapters around the country, is very active in Wyoming. It teaches firearm safety. It advocates for second amendment rights. Again, this gets to the question of whether Ms. Kagan is able to separate politics from policy.

We have seen Ms. Kagan's resume. Now we need to hear from her. Next week I look forward to hearing her testimony. I also look forward to meeting with Ms. Kagan to discuss these issues