

COMMERCE, JUSTICE, SCIENCE,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

A House message to accompany H.R. 2847, a bill making appropriations for the Department of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to amendment No. 3310), to change the enactment date.

Reid amendment No. 3312, to provide for a study.

Reid amendment No. 3313 (to amendment No. 3312), of a perfecting nature.

Reid amendment No. 3314 (to amendment No. 3313), of a perfecting nature.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

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

Mr. DORGAN. Mr. President, later this afternoon, the Senate will consider a piece of legislation to try to create some jobs. I understand that the Federal Government, by passing legislation, doesn't automatically create jobs, although it can in some circumstances. For example, a summer youth program can put some kids to work in the summer if the Federal Government or State government sponsors it. By and large, the private sector creates jobs.

This piece of legislation this afternoon is a payroll tax exemption—trying to encourage small- and medium-sized businesses that are ready to expand and capable to expand—giving them extra incentive to hire people and put them back to work. Section 179, business expensing, is another incentive to business. The highway trust fund extension—we know building highways puts people to work almost instantly. We have plenty of backlog in highway and bridge repair.

This is a piece of legislation that will put people back to work and create the incentives for companies—whether it is highway contractors or small- and medium-sized businesses—to hire those employees. Why is that important? Because we have probably somewhere around 25 million people today who wake up without a job. The hard-core unemployment, as known in the statistics, is about 17 million people. But 20 million to 26 million people are effectively unemployed in this country. They woke up this morning wanting a job and looking for a job but cannot find a job.

I recognize that one of the prevailing moods in the Congress is to do nothing. Those are the two words that best de-

scribe what we have seen, particularly from the minority recently, "do nothing." It is a pretty easy position to take, but it is so wrong. Generally, it has always been wrong on the significant issues of the day. If this country doesn't believe that having 20 million, 25 or 26 million people out of work—and they don't believe that is something that is significantly wrong, something that weakens our country, then there is something wrong with their thinking.

This is a serious and urgent priority the Congress must address.

The do-nothing approach to public policy is something we have seen before. It goes all the way back to the basic rights of people—women's rights, civil rights, workers' rights. I have spoken on the floor previously, talking about the struggles to improve in those areas. Those struggles were against those who said let's do nothing. Women didn't have the right to vote for over the first half of this country's existence. They weren't allowed to vote. It took the beating in Occoquan Prison in 1917, when Lucy Burns, at night, was manacled and a chain between her wrists, hung over a cell door, with blood running down her arms all night long; and Alice Paul, a tube forced down her throat, force-feeding, to where she nearly drowned in her own vomit. She and 33 other women were arrested and chained to the White House gate. That is how women got the right to vote in this country. It is not because we had people who said let's do nothing, it is fine that women cannot vote. People pushed back and said what is going on is wrong.

Workers' rights. I wrote a book about the struggle to get workers' rights in this country. I said James Fyler died of lead poisoning. James Fyler was shot 54 times. Why? He felt people who went underground to mine for coal ought to be paid a fair wage. Think of the struggle for workers' rights and civil rights. I served in the Congress with John Lewis in the House of Representatives, who was beaten in Montgomery, AL. He was beaten because he believed one ought to be able to sit at a lunch counter as an African American. In some areas, it was against the law to drink from certain water fountains and ride in the front of the bus. It was against the law to sit at the lunch counter at Woolworth's.

Workers rights, civil rights, women's rights—all these things were struggles. There were those all along the way who said let's do nothing. Today, they say let's do nothing about the fact that 25 million or 26 million Americans are out of work.

By the way, here is a new report that shows that not everybody is out of work. We know that. A lot of people are working. In fact, there is full employment, according to the Northeastern Center for Labor Studies, among those who earn more than \$150,000 a year. Their unemployment is 3 percent, but that is called full em-

ployment. Not everybody is having trouble. The more affluent Americans have full employment. It is a lot of folks at the bottom who are struggling and getting laid off and are out looking for work. So change is very hard.

The question is, Is this Congress going to do something about it? Does it care about it? In every case, you can go back a century, and the wailing and the whining of those who have opposed everything for the first time and said it can't be done, it will not work, it will ruin our country—they are the ones who dug in their heels and said let's do nothing.

What about today? What is our responsibility today? Well, it seems to me, in this economic crisis—a crisis, by the way, that is not some natural disaster; this wasn't some massive storm that enveloped America, some tornado or cyclone or some massive natural event that occurred. This was an economic wreck that was caused by unbelievable avarice and greed in some of our Nation's largest institutions. There was nearly criminal negligence on the part of regulators who wouldn't regulate. There was shameful, greedy behavior by people at the top of the financial food chain, whose business philosophy was to maximize profits at any cost, it doesn't matter.

Now we find ourselves in a desperate position. Yes, I think we have a foundation where we have found the bottom and are going to try to build from this point on. The question is, How do we move this process along to give hope to people who, at this point, get up this morning and don't have a job? Some say let's work on the faucet—that is what this bill is today, and I will support it. Let's work on the faucet that will put more jobs in this tank. I say also let's work on the drain because you can turn the faucet on, if the drain is wide open you are not going to make much headway. I will talk about the drain, but first I will talk about the faucet.

There is no social program as important as a good job that pays well. That is why this needs to be a priority with us. It is why we should pass this piece of legislation this afternoon. No, it is not going to fix every issue. I understand that. I mentioned we have full employment with the people on the top. What about the people who shower after work—the people who work hard all day and have to take a shower after work to get rid of the evidence of that work? Well, let's talk about them for a moment. I met with a group of people who were losing their jobs just before Christmas this year—500 people who worked for a company that made one of America's best products. They were told their plant was going to close down—500 of them. Can you imagine the Christmas they spent with their families, because there were no other jobs in that area. Yet 500 jobs is a reasonably small amount of the total number of jobs we have been losing.

That describes the drain on this economy of ours with respect to jobs. Let me talk a bit about that.

I am talking about particularly jobs in which Americans make something, produce something. Our manufacturing sector is rapidly losing steam. We have lost 5½ million manufacturing jobs since 2000. We now have 11.7 million manufacturing jobs left. That is the fewest number of manufacturing jobs since the early 1940s. Since 2001, we have seen the closing of 42,000 factories in America. One-third of all the factories that employ over 1,000 people have closed since 2001 in this country. They are gone. Some people blame the workers because they want a living wage. They say: If you cannot compete with 50 cents an hour in China, tough luck, you don't deserve to compete. It is an international economic system and if you cannot compete, that is too bad. That is a pretty ignorant way to look at it. This is a global economy, but who decided, after spending a century lifting standards, requiring safe workplaces, better labor standards, better wages and benefits, that all that should be washed away because we can't compete with somebody who worked for 50 cents an hour, somebody who works in a factory where they live in cinder block, little rooms, with 12 in a room at night, and they work 7 days a week, 12 to 14 hours a day—who decided that ought to be the standard with which we have to compete? That doesn't make sense to me.

I guess there are people who believe that "made in the USA" doesn't matter anymore. We don't have to be a country that manufactures. If we don't have a strong manufacturing base, we will not long remain a world economic power. That is a fact. This manufacturing base of ours is being sequentially and systematically destroyed.

We have, essentially, lost the area of producing machine tools in this country. We have lost electronics. We have lost automobile parts. We have lost furniture manufacturing. We have lost telecom. We have lost appliances. I am talking about the manufacture of these things. In 1960, 30 percent of our GDP in this country was manufacturing. Now it is 11 percent. There are 1.2 billion cell phones sold on this planet every year. Not one is made in America—1.2 billion and not one is made in America. We have lost 60 percent of the furniture manufacturing. You don't need to know all the stories, but I have spoken about the one we lost in Pennsylvania. Pennsylvania House Furniture, which was an upscale fine furniture company. Governor Rendell did everything he could to stop it from moving to China. They used a special Pennsylvania wood to make this furniture. What they did is closed the plant and shipped the wood to China, made the furniture there and shipped it back and called it American production. The last piece of furniture that came down off the line—for a company that lasted 100 years, making top-of-

the-line furniture—the very last piece of furniture, those workmen in that plant turned it over and all the people who worked in the plant signed their names because they said there would not be furniture such as this made again. Their jobs were gone in an instant, and 60 percent of furniture manufacturing is gone.

The list goes on and on and on. Eighty-four percent of the circuit boards, which used to be ours—we developed circuit boards—are now made in Asia. We defend, as all of us understand, our military security aggressively. Do we care about our economic security—that we are hollowing out the manufacturing base of our country? Apparently not.

In this economic recovery bill that was passed, I included on the Senate side something called "Buy American." One would have thought I was exploding all of the relationships that existed around the globe. People here even had apoplectic seizures: What are you doing? Are you trying to start a trade war? No, I was not. "Buy American" is perfectly permitted in the WTO trade rules. In fact, Mr. Pascal Lamy, the WTO chief, says "Buy American meets world trade rules." If we had not put a "Buy American" provision in so State and local governments and the Federal Government, when contracting to buy steel and to buy products with which to make highways and other items we are investing in, had we not done that, we would be spending our taxpayers' money to purchase from China, to import the steel from China. I thought we were doing that to put Americans back to work. So I put in a "Buy American" provision. If you read the New York Times and the Washington Post, you just thought they were having seizures about it. Unbelievable, they say. No, it is not unbelievable to me. If you are going to try to get economic recovery in this country, you do not do that by incentivizing production in China and Japan. By the way, in their programs in China and Japan, they have their own provisions to purchase at home.

Here is the trade deficit we have with the world. This is why I say I support trying to do something with the faucet about jobs, to put more jobs in this economy. I am going to vote this afternoon on the proposal coming before the Senate. But here is the drain. Even as we do that, more and more jobs are leaving this country. Anybody who talks about fiscal policy deficits and is really worried that these fiscal policy deficits are going to sink this country, you can make a case—I used to teach a little economics in college—you can make a case that the fiscal policy deficit is money we owe to ourselves. You cannot make a case that this amount of red—these red lines go down, down, down, \$800 billion a year for the last 3 years in a row. That is money we owe to other countries. That is money that will be repaid by a lower standard of living in the United States.

I say to all of those who care about fiscal policy deficits—and I do—you

better care about this as well because this is a description of moving American jobs overseas in addition to indebting ourselves deep in debt to especially China, as this chart shows. This chart shows the red lines. This is only China, a country with which we have a \$260 billion trade deficit and growing every single year.

By the way, we have with the country of China a reasonably ignorant bilateral which says to China—I am taking one piece of it now—it says: You are ramping up a very large automobile export industry, and we will very soon see Chinese cars on the streets of America. When they come to America under our agreement with you, you have a very large deficit with us, China, so when you ship us your cars—and they are coming—we will impose a 2.5-percent tariff on automobiles from China into the United States. We agree that if we ship cars made in the United States to China, you may impose a 25-percent tariff. A country with which we have a \$260 billion trade deficit, we agreed to give them a 10-to-1 advantage on tariffs on bilateral automobile trading. I don't know how other people define ignorance, but I believe that is ignorant of our country's economic interest.

That is the reason I indicated in the economic recovery—what is called the stimulus program—that if we are going to spend money to try to restart this economy, to try to get this engine restarted and put people back to work, we at least ought to have some understanding that the products we are purchasing with that are not purchased from China and Japan, with which we have these very large budget deficits.

Since repetition is so very important here—I received a letter the other day from someone who said: Mr. Senator, if you are, at the end of your third term in the Senate this year, going to leave the Senate, who is going to speak for Huffy bicycles?

I said: I don't know who is going to speak for Huffy bicycles, but I am going to continue to do so until the end of the year because it is a perfect description of what is wrong in this country with respect to this so-called bathtub which should hold jobs but has a wide open drain.

Huffy was an Ohio company. Not anymore. They all got fired, all of them, because all these bicycles are produced in China. Why? Because the folks in Ohio were making \$11 an hour and that is way too much money to pay an American worker. I know where they are made now. They are made in China for 50 cents an hour by people who work 7 days a week, 12 to 14 hours a day.

The poignant story about Huffy bicycles is when the last factory closed and the last Huffy bicycle was made in America, all the workers, as they drove out of the parking lot, left a pair of empty shoes in the space where their car once parked. It was the only way they could send a message to the company: You can ship our jobs to China,

but you are never really going to fill this space of ours. So no more Huffy bicycles.

The list is endless. Huffy bicycles and Radio Flyer, the little red wagon every child has ridden in, are examples of what we do not make here anymore. Radio Flyer was made in Illinois for 110 years. The little red wagon was made by an immigrant who came to this country who not only loved airplanes—and so he named a red wagon “Radio Flyer”—but was a very good businessman. Every American child sat in those little red wagons and played in those little red wagons for 110 years, made in America. Not anymore. They are all made in China.

My point is this: I am going to vote for this bill this afternoon. It is the right thing to do. We will have people come here and spread the mantra again today as they have for so many weeks and months: Do nothing. Do nothing. Things will be fine.

Things are not fine. It is our responsibility to do something to address these issues. I want us to do something to try to create new jobs.

I chaired a hearing of the policy committee not too long ago. We had three small to medium-size businesses come testify. All of them were ready to expand and ready to hire new people. All of them were profitable businesses, all of them were ready to expand, and none of them could expand because none of them could find credit from the banks. Think of this: The biggest banks in America are now making record profits. I am talking about the biggest banks on Wall Street. They are making record profits and are prepared to pay record bonuses at a time when small and medium-size businesses that create the jobs in this country cannot find credit to expand even when they are profitable.

There is something wrong with this system. This system is not working. There are a lot of reasons for us to care a lot about what has happened in this country. I regret that there has never been the kinds of hearings with subpoena power that develops the master narrative of what has happened in the last 6 or 8 years that caused this economic wreck. The American people need to know. I understand there is now a commission, but that is not a substitute for what the Congress has a responsibility to do.

In 200 years in this country, we have gone from times when the productive sector—those who produce and manufacture—had the upper hand to other times when the financing sector had the upper hand. More recently, the financing sector has had the upper hand in this country. Manufacturing is an afterthought, and we are losing, losing, losing our manufacturing base.

The financing side, as all of us know, has become much larger. In fact, just about 15, 18 months ago, then-Treasury Secretary Paulson and the Chairman of the Federal Reserve Board came to the Congress and said: Look, we are facing

near imminent collapse of this entire economy. At that time, one of the things they said was that we have too much concentration in the biggest financial firms in the country. Yes, that was true, except, you know what, the concentration is even much greater now, engineered by some of the same people who said there is too much already.

This is not rocket science. Too big to fail meant no-fault capitalism. The biggest financial firms in the country got bailed out. Why? Because it was feared they were too big to fail. I think too big to fail is just too big. This is not rocket science. If you are too big to fail, you are too big. Yet the very institutions that are too big to fail are getting bigger, not smaller, imposing more risk.

By the way, the biggest ones that are showing significant record profits and ready to pay record bonuses—we are told somewhere around \$140 billion to \$160 billion—the biggest firms are engaged in the same kind of activity that steered the country into the ditch. We still have the credit default swaps and derivatives out there that represent very substantial risks.

If anybody really wants to understand how this relates, just go to Las Vegas or a casino someplace. Look up and understand what a synthetic derivative means. It means you are buying a credit default swap to insure a bond, except this transition does not relate to anything that is real. It is just a wager. That is exactly what has gone on in this country, unimpeded by regulators who did not look, who were woefully blind, and who boasted about it for some years. Who pays the price for all of that? The 25 or 26 million people who got up this morning and could not find a job. In some cases, they got up on a morning a month ago, a morning a year ago, in some cases 2 years ago, and still could not find work. They are the victims. And the very folks at the top who steered this country into the ditch are reporting record profits. The folks at the top, as I just described with the new study from Northeastern University, have full employment.

It seems to me there is something wrong with this picture. How does one come to the floor of the Senate this evening and say: Let's do nothing. I have an idea: let's keep doing nothing, they say.

We have watched that inaction, and that does not work. The American people deserve better than that. I hope this afternoon we will have most Members of the Senate coming to the floor to say: Let's do something. Let's care today not about the people at the top of the financial food chain who are now making record profits and preparing to pay record bonuses, but let's do something for the folks at the bottom who have lost their jobs—5.5 million manufacturing workers just in the last decade. Let's do something to see if we can find a way to put them back to work. If we do that, maybe we will get a

strong vote today for people saying we care about jobs.

We would like to work together—Republicans and Democrats—to get the best ideas both have to offer rather than the worst of each and see if we can advance the economic interests of this country once again.

Mr. President, I yield the floor. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the time from 5 p.m. to 5:30 p.m. today be equally divided and controlled between the leaders or their designees, with the majority leader controlling the final 15 minutes prior to the 5:30 p.m. cloture vote.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, jobs. We are here today to help create jobs. Everyone is thinking about jobs and ways to create more of them.

Business owners, workers, community leaders across the country, especially in my home State of Montana, are asking what Congress is doing to create jobs. I might say when I was home last week, Mr. President, I had some job forums. At one of them, we had lots of different ways to create jobs and a lot of ideas.

At the end, I said: OK, everybody. What does this all boil down to? Give me one or two or three things that we can do to create more jobs. There was a big chorus of: more jobs, more jobs, better-paying jobs. So it is there, and it should be there because unemployment is so high and there is a huge need.

In his State of the Union Address, President Obama said: “Jobs must be our No. 1 focus in 2010.” Here in the Senate, a group of us have been working on finding the best way to create new jobs. I am pleased to have worked together across the aisle with a thoughtful bipartisan group of Senators to craft legislation to create tax incentives for job creation. I applaud my colleagues, Senators SCHUMER and HATCH, for working together to bring good ideas to the table. I thank my very good friend, CHUCK GRASSLEY, for

working with us once again, and I appreciate the tremendous help from Senators DORGAN, CASEY, and DURBIN who have been spearheading the broader jobs effort.

Some of the provisions on which these Senators have worked are before us today. The provisions before us today would address the immediate needs of businesses on many different levels. For example, it would allow smaller businesses faster depreciation of equipment purchases. This provision helps create jobs, clearly. As the demand for services and products increase, so does the demand for workers.

But the amendment before us would do more. The amendment would go to the heart of the matter to provide simple and immediate tax incentives for businesses to employ new workers. The amendment answers the challenge of doing something that would make a difference for the unemployed right now. Let me explain the tax incentive for hiring in the amendment.

This year any business that hires someone who has been out of work for 60 days or more would qualify for the credit. The business would not have to pay its share of Social Security payroll taxes on that employee for the remainder of the year. It is that simple.

This incentive would be available for every new worker hired no matter the size of the business. Moreover, if that business retains the new employee for a full year, then the business would be able to take an additional \$1,000 income tax credit against next year's taxes.

So, for example, the mom-and-pop grocery store owner in Billings, MT, that employs a previously unemployed store clerk and pays him \$25,000 for the rest of the year would save \$1,550 on payroll taxes. The medium-sized trucking company that can employ 10 new workers at \$35,000 each for the rest of the year would save \$21,700 on payroll taxes.

The large manufacturer that employs 100 new assembly-line workers at \$45,000 each for the rest of the year would save almost \$300,000 in payroll taxes. All of these businesses would get another \$1,000 for each new employee they retained for a full year.

Let me explain why this is a good package. First of all, the incentive is simple. We want all businesses to be able to take the incentive, not just those that can afford an attorney to explain it or an accountant to prepare the necessary paperwork. All private businesses that create jobs and employ the currently unemployed would be entitled to a payroll tax holiday; and because it is simple to understand, we hope the program will enjoy broad news coverage. That way more employers would hear about the incentive and opt in.

Second, the amendment would provide an immediate benefit. Employers need help now, and we want to create jobs now. As soon as a business hires a new employee, the business would re-

ceive the benefit as a payroll tax holiday on that new employee. The business would get the benefit of every payroll tax deposit it would make. The business would not have to wait until it filed its tax return next year, and the cash that the business would save from the payroll tax cut could be used to help pay the wages of the new employee or the cash could be invested in the business. That is right now. The amendment would not hurt the Social Security trust fund. The government would make the trust fund whole in the full amount of the payroll tax holiday.

The third reason this is a good provision is the amendment would encourage faster hiring. An employee with a salary of \$50,000 hired on July 1 would save the business about \$1,500 in taxes. But the same worker hired earlier, say, on March 1, would save the business about \$2,600 in taxes. The faster a business hires, the more benefit the business would receive. The incentive would boost the economy today, and it would create an additional demand for workers sooner.

What is the fourth reason this is a good idea? Just this one provision I have been talking about—and that is the payroll tax holiday. The amendment would encourage jobs that pay good wages. The higher the wage, the higher the credit. That is because the incentive is directly tied to the wages subject to the Social Security payroll tax.

Fifth, the amendment targets the unemployed. The incentive would reward businesses that hire those who are currently out of work. It would reward those businesses that create employment, not those that shift workers from another job. Yet it would not require the employee be collecting unemployment insurance benefits. For all sorts of reasons, not all persons take unemployment benefits. The incentive would be as broad as possible. It would help all those currently not working who want to be.

What is the sixth reason for this payroll tax holiday provision? It is fair. The incentive sets no limits on the size of the business that can utilize it. Job creation happens with all sizes and types of businesses—from the sole proprietor seeking to expand, to the largest manufacturer recovering from downsizing. Because the credit would be on payroll taxes rather than income taxes, the incentive would also help tax-exempt organizations and businesses currently operating at a loss. Those businesses have no income tax to offset with an income tax credit.

Seventh, the amendment would provide ease of hiring. The employer would only have to get a signed affidavit from a new employee that the employee had been out of work for the previous 60 days. That is pretty simple—no lengthy certification process through State agencies, as some current wage credits require.

Eighth, the amendment would encourage employee retention. Employ-

ers that retain their new employees for a year would get an added bonus.

Ninth, and most importantly, the amendment would increase employment. The nonpartisan Congressional Budget Office studied a number of options for job creation in the year 2010. After receiving many ideas, CBO stated that the payroll tax deduction for firms that increase their payroll is the most cost-effective policy for creating jobs. Economists suggest the same thing. While all thoughtful observers are careful to point out no company would hire unneeded workers just for a tax credit, many economists believe that a hiring incentive may be the push that many companies waiting on the sidelines need to hire those extra people.

Business owners have flexibility in hiring. They can work longer hours themselves, substitute machines for labor, or pay overtime to current employees. But those employers on the fence may believe this package of tax cuts and hiring incentives are enough of a boost for them to hire new employees now.

The National Federation of Independent Businesses indicated in December that there are many companies starting and growing businesses during this recession. In the past, the NFIB has supported a fixed-length payroll tax holiday. Economist Mark Zandi reported that "various business surveys suggest firms are more open to expanding their payrolls."

He added:

A tax break for hiring could be particularly effective this summer. By then, businesses will have had more time to come to terms with the Great Recession, and banks should be extending credit somewhat more freely by then.

Former Labor Secretary Robert Reich has suggested a new jobs tax credit for every new job created by small businesses this year. Although he thinks that a job credit does not do much under normal circumstances, he says that these are not normal circumstances, and businesses need a boost.

David Greenlaw and Ted Wieseman of Morgan Stanley Research have said that a new job credit, designed correctly, could represent an important source of effective stimulus.

And Ted Gayer of the nonpartisan Brookings Institution said that timing of an employment tax credit matters. He warned:

The more you dither, then people will wait on the sidelines and not hire now. You want it to be immediate and you want it to go a set length.

Let us not delay. Let us answer the call from Americans to help and let us enact this package to get more people to work.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. I thank the Chair.

#### RECOGNITION OF THE MINORITY LEADER

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

#### HEALTH CARE AND THE JOBS BILL

Mr. McCONNELL. Mr. President, first, I want to welcome everybody back. I don't think there is any snow in the forecast, so hopefully we can get some work done around here. Having spent the past week in Kentucky, I can assure you that my constituents are concerned, first and foremost, about jobs and the economy. And another thing they are concerned about is lawmakers in Washington making matters worse.

Americans are worried about the growing national debt. That is why Republicans hope to offer amendments to the jobs bill that we will be voting on today that would lower it. Those ideas should be considered.

Millions of Americans want to get back to work. That is why Republicans will offer ideas that will make it easier for businesses to hire new workers. Those ideas should be considered too.

Small business owners want greater certainty about the future. That is why Republicans will propose ideas that will keep their taxes from going up and make it easier for them to invest in their businesses. Those and other ideas from both sides of the aisle should be considered.

Later this week, we will have the health care summit at the White House. Americans want the administration to scrap its massive government scheme in favor of an incremental approach to health care reform. Unfortunately, the White House still seems unwilling to do the one thing Americans want most. It is still clinging to a massive bill that Americans have overwhelmingly rejected again and again for months.

The tragedy of this approach is that the longer Washington sticks with its failed approach to health care, the longer Americans will have to wait for the real, step-by-step reforms that will actually lower costs and lead to a better system. That is the kind of real reform Americans have wanted all along. That is what they have been asking for and that is what Republicans in Congress will continue to fight for.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. CASEY. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. I thank the Chair.

(The remarks of Mr. CASEY pertaining to the submission of S. Res. 418 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, we all went home over this recess—most of us did—and we heard very clear messages. At least I can tell you I did. The messages are: Address the problems that face us and reach out a hand across the aisle and do it together. Pretty simple. Today we have a chance to do that.

Today we have a very clear chance to do that and to lift the spirits of the American people. The bill we will be voting on—actually we are voting to take it up, in essence; we need 60 votes to do that, unfortunately, because there is a filibuster again on this—is a very simple, straightforward jobs bill.

It has four parts. Two relate to tax breaks for business for doing good things. One is buying new equipment and getting a break on the expensing. The other is hiring people who have been unemployed for 60 days or more. The other two pieces involve the extension of the highway trust fund and the Build America Bond program, and that relates to building our infrastructure. In the case of the highway trust fund, of course, it does fund transportation of all kinds: transit systems as well as highways, bridges, roads. Very important.

Build America Bonds is a way to help the States issue bonds that they have voter approval to do, and helps them with the interest rate. In California, that program—Build America Bonds—resulted in billions of dollars of bonding to build roads and schools and all kinds of important necessities for my people back home.

So we have four things before us in one package: two tax breaks very important to businesses and two very important infrastructure measures.

I want to have printed in the RECORD—and I ask unanimous consent to do so—a very important letter sent to us by the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the Associated General Contractors of America, the U.S. Chamber of Commerce, the Laborers International Union, and the International Union of Operating Engineers.

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

THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS, THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION, THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA, THE U.S. CHAMBER OF COMMERCE, THE LABORERS INTERNATIONAL UNION, INTERNATIONAL UNION OF OPERATING ENGINEERS.

Hon. RICHARD DURBIN,

*Majority Whip,*

Hon. BARBARA BOXER,

*Chairman, The Environment and Public Works Committee,*

Hon. MAX BAUCUS,

*Chairman, Finance Committee,*

Hon. JAMES INHOFE,

*Ranking Member, Environment and Public Works Committee.*

DEAR SENATORS: We are writing on behalf of the undersigned organizations to express our strong support for prompt Senate passage of an extension of the highway and transit programs in the SAFETEA-LU legislation and inclusion of a transfer of General Funds into the Highway Trust Fund in an amount sufficient to support the appropriated FY10 funding levels consistent with at least a nine month period and should the Senate decide a one year extension period.

Passage of legislation that includes an extension and the funds transfer will provide much needed certainty and stability within the states, local transportation authorities and transit agencies to make long-term capital commitments and plan for a full season of work. All 50 states continue their highway construction season through September and into October, at least 45 states continue highway work into November and one-third of the states are still working in December. Without an extension that also stabilizes the Highway Trust Fund, the transportation construction industry will continue to decline and much needed transportation investments cannot be made.

We continue to support Congressional efforts to enact a well-funded, long-term surface transportation bill. That work can go on in Congress while the program continues to fund needed transportation assets. Swift passage of a multiyear bill will have an impact in the out years but shoring up the trust fund now will allow the maximum job creation during the 2010 construction season. We face a shortfall in the trust fund at this time that makes an extension and funds transfer essential to creating much needed jobs in the construction industry this year and to continuing to improve this nation's transportation infrastructure. The nation needs these investments now and we urge the Senate to act to move this critical legislation.

It is critically important given the urgency of the investment and jobs issues that these provisions be included in the Senate jobs bill to be introduced next week.

Mrs. BOXER. I have to say I have worked with these organizations over the break to talk to them about what will happen if we vote this measure down and we do not continue our funding through the highway trust fund. They are very clear, and I am going to give you the information they told me about job losses that will happen if we do not act today.

As I read this list, I hope, Mr. President, you realize these organizations are Republican organizations, Democratic organizations, bipartisan organizations. They have Independents, Republicans, and Democrats. The Chamber of Commerce, we all know they