

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 President, I ask unanimous consent the order for the quorum call be rescinded.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 President, I ask unanimous consent the order for the quorum call be rescinded.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

tend to go with the Republican side most of the time. They want a “yes” vote. The general contractors, they generally go—generally go—with the Republicans. They want a “yes” vote. Then you look at the unions, the workers, they generally go with the Democrats. They want a “yes” vote.

And why? Because they are fearing if we do not act, we are going to hurt business and we are going to hurt the working people of this country. They say:

Passage of [this] legislation . . . 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. . . . Without an extension that . . . stabilizes the Highway Trust Fund—

Which, by the way, this does—

the transportation construction industry will continue to decline and much needed transportation investments cannot be made.

I want to repeat that. This is not a quote from a Senator, Republican or Democratic or Independent. This is a quote from the Republicans and the Democrats and the Independents who are represented 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. They are telling us this is critical. They say: “The Nation needs these investments now.” They put the word “now” in bold letters. Not tomorrow, not next week but now.

We urge the Senate to act to move this critical legislation. It is critically important, given the urgency of the investment in jobs issues that these provisions be included in the Senate jobs bill and they are.

Today, we have a chance to have a fresh start by voting for cloture—in other words, ending a filibuster—on this package of four bills, two tax breaks for businesses and two very important investments in our infrastructure.

I wish to give the numbers that were given to us by the American Association of State Highway Officials.

We have asked the State highway officials in our States—and I see Senator CASEY here; in his State—we have asked them all to give us an idea of the jobs we would lose if we do not make that \$20 billion transfer into the highway trust fund that is included in the Reid jobs bill. In Arizona, it is estimated we would see 6,800 jobs lost; in California, 31,000; in Florida, 17,000—I am rounding these off—in Illinois, 11,000; Iowa, 4,000; Maine, 1,400; Massachusetts, 5,300; Michigan, 9,300; Missouri, 7,800; Nevada, 2,590, to be exact; Ohio, 12,000 jobs—let me repeat, 12,000 jobs would be lost in Ohio—in South Carolina, 5,000; Texas, 29,000-plus jobs would be lost if we don’t get moving on

this bill; in Utah, 2,600; and in Wisconsin, 6,500.

I just picked these States out for purposes of explanation.

If we fail to pass an extension, period, we would lose 1 million jobs in this great Nation.

So there are two scenarios. One is if we fail to extend the program, this is what will happen. The States will lose jobs immediately. If we don’t authorize this program, we will lose 1 million jobs. Without the transfer, this highway trust fund will not have any funds by the summer. Some people say June. Some people say August. I ask my colleagues who may be watching this debate: Please consider what it will be like when you have your contractors come and tell you they have had to stop a project in midstream—a highway, a bike path, a freeway, fixing a bridge that is perhaps in danger of collapsing.

So I will tell my colleagues I don’t think we have a choice.

I ask unanimous consent to have printed in the RECORD the estimated job loss if there is no extension whatsoever of the highway trust fund.

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

State	Estimated job loss under no CR or extension
Arizona	15,558
California	70,111
Florida	39,244
Illinois	25,831
Iowa	8,794
Maine	3,219
Massachusetts	12,121
Michigan	21,294
Missouri	17,921
Nevada	5,903
Ohio	26,934
South Carolina	12,683
Texas	66,434
Utah	5,964
Wisconsin	14,894

Mrs. BOXER. Mr. President, this is a pretty straightforward vote for us today. In essence, everything in this jobs bill is bipartisan. Everything in it is bipartisan. I can tell my colleagues right now that my Republican colleagues tell me they want to reauthorize this highway trust fund through the end of the year. They want to make sure the trust fund has the dollars it needs. Well, then, what is the reason why one might not vote to end the filibuster?

Some say we didn’t get everything we wanted in this bill. Well, neither did I. There are many things I would like to see in a jobs bill, believe me. I didn’t get them in this bill because Senator REID said we have to go slowly. We are going to have these smaller packages. They are more understandable. I think he has a point. But each of us could write our own jobs bill. Senator MCCONNELL could write his. I could write mine. The fact is, what Senator REID has done is to take four provisions that are bipartisan in nature and put them in this jobs package.

Frankly, I don’t know how anyone could face their constituents in a time

of unemployment that we are seeing now. Even though we have certainly gone from bleeding—600,000 jobs a month, 700,000 jobs a month—to very few in comparison, we have a long way to go. Building the infrastructure of this Nation is done by the private sector. We hear the Republicans on the other side say: Well, we want this to be built by the private sector. That is how this program works.

I ask unanimous consent to have printed in the RECORD at this time a notice that went out from the Missouri Department of Transportation, if I may.

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

MISSOURI DEPARTMENT
OF TRANSPORTATION,
Jefferson City, MO, February 19, 2010.
SPECIAL NOTICE TO CONTRACTORS: BID
OPENING

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year prior to 12:00 p.m. on February 25, 2010, the scheduled February 26, 2010 bid opening will be Postponed/Withdrawn until further notice.

If necessary, the final Notice to Postpone/Withdraw the scheduled February 26, 2010 bid opening will be posted at 12:00 p.m. on February 25, 2010.

As many of you are aware, the Surface Transportation Act, titled SAFETEA-LU, which provides \$42 billion per year nationally in federal funding for highway and bridge projects to cities, counties and states, expired on September 30, 2009. The U.S. Congress provided for an extension of SAFETEA-LU, but funded it at \$30 billion per year. MoDOT, like other State Departments of Transportation, developed its highway program with the assumption that Congress would fully fund the federal program at, or above, the SAFETEA-LU level. This action by Congress has not happened.

Congress has until February 28, 2010 to correct the shortfall in transportation funding. If Congress takes no action by February 28 to correct the federal funding shortfall, MoDOT and other State DOTs will have to make adjustments to their existing highway programs. The impact to MoDOT, cities and counties will be a reduction of \$250 million in federal funds for the remainder of this fiscal year. This lack of action directly affects the scheduled-highway bid openings at MoDOT through the May 21, 2010 bid opening. Because the February 26, 2010 bid opening is prior to the February 28 deadline for Congress to address the federal funding shortfall, MoDOT believes it is prudent to postpone or withdraw the February 26, 2010 bid opening until Congress has acted on the federal level for highway and bridge funding.

If you have any questions related to MoDOT’s bid opening schedules, please feel free to contact Dave Nichols, director of program delivery, at 573-751-4586 or email at: david.nichols@modot.mo.gov.

Link to the projects scheduled in the February 26, 2010 bid opening: http://www.modot.org/eBidLettingPublicWeb/viewStream.do?documentType=general_info&key=1198.

Mrs. BOXER. Mr. President, I wish my colleagues to hear this because it is very shocking, and it could happen in Delaware, California, Pennsylvania, any of our States. It is a special notice to contractors, dated February 19:

All bidders take note. Unless the Federal Government takes the necessary steps to ensure the availability of Federal funds for the remaining fiscal year prior to 12 p.m. on February 25, the scheduled February 26 bid opening will be postponed or withdrawn until further notice.

This is real. This is real. I know this is a political season. I know firsthand it is a political season. But there comes a time when we have to put politics aside for 5 minutes—I would say 15 minutes—when we vote, put it aside for 15 minutes and let's not have a circumstance where we hear from the Missouri Department of Transportation that they are about to shut down their bidding process.

I also ask unanimous consent to have printed in the RECORD a letter from the American Highway Users Alliance.

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

AMERICAN HIGHWAY
USERS ALLIANCE,

Washington, DC, February 3, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. RICHARD J. DURBIN,
Majority Whip, U.S. Senate, Washington, DC.
Hon. JON KYL,
Minority Whip, U.S. Senate, Washington, DC.

DEAR SENATE LEADERS: On behalf of our 270 motoring clubs, non-profit associations and businesses with an interest in safe and efficient highways, the American Highway Users Alliance asks for your support for the highway bill extension and Highway Trust Fund restoration in the initial "jobs bill" pending in the Senate.

Our members represent millions of motorists, RVers, motorcyclists, as well as hundreds of truck and bus companies. It is critical to us that the Highway Trust Fund remains solvent, that the expired highway bill is extended through the current fiscal year, and that rescissions that took effect on September 30, 2009 are repealed.

Compared to last year, the Federal Highway Administration is distributing about \$1 billion less per month to the States in budget authority for highways. This cut is devastating all 50 state highway programs and will create serious impacts on the safety and efficiency of our Nation's commerce corridors.

If the initial job bill is enacted with an extension of the highway bill and a restoration of funds to the Highway Trust Fund, FY10 contract authority will be restored to pre-rescission FY09 levels and the highway program will remain solvent through the summer construction season.

We also take this opportunity to urge your support for additional highway funding in future jobs bills to be considered this year. The House has proposed that \$27.5 billion be appropriated for highways in their bill. We strongly support this funding level and ask that the Senate concur with the House on this provision. The use of jobs bill funding for highways will not only add immediate construction jobs, but will also create and support hundreds of thousands of supply chain and induced jobs in every part of our country.

Thank you for your leadership on highway issues. Please do not hesitate to contact me if you have any questions.

Sincerely,

GREGORY M. COHEN,
President and CEO.

Mrs. BOXER. Mr. President, it is signed by their CEO and President. They are asking us to support this bill. Here is what he says:

Our members represent millions of motorists, RVers, motorcyclists, as well as hundreds of truck and bus companies. It is critical that the Highway Trust Fund remain solvent, that the expired bill be extended through the current fiscal year, and that the rescissions that took effect in September be repealed.

They get it. These are our constituents who drive on the highways and the freeways, and they are begging us to act and set aside our political games for 15 minutes and vote cloture. By the way, I am hopeful we can; I am.

I also have a letter to the Members of the Senate:

The current lack of funding certainty in the Federal highway market is having a devastating effect on the transportation construction industry. Our industry is in dire economic shape. We urge the Senate to act promptly on passing the Reid amendment.

Let me tell my colleagues who signed this letter. The President and CEO of American Concrete Pavement Association, the President of the National Asphalt Pavement Association, the President of the National Ready Mixed Concrete Association, the President and CEO of Portland Cement, the President and CEO of the National Stone, Sand, and Gravel Association.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

FEBRUARY 19, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: As the principal suppliers of materials used to manufacture our nation's roads, highways and bridges, we call on the U.S. Senate to promptly enact the Reid amendment that extends the surface transportation programs and provides \$19.5 billion for the Highway Trust Fund.

The current lack of funding certainty in the federal highway market is having a devastating effect on the transportation construction industry. Since SAFETEA-LU expired on September 30, 2009, the program has been extended 151 days under which state highway funds have been reduced by 30 percent. As a result, state transportation departments and contractors cannot plan for a full season of work just as the transportation construction industry is suffering its worst construction cycle since the Great Depression.

Our industry is in dire economic shape. Production of asphalt and concrete pavements experienced double digit declines in 2009. Nearly one in four construction workers are unemployed, and more job losses will occur in 2010 due to a lack of contract awards by state transportation departments across the country. While the American Recovery and Reinvestment Act (ARRA) staved off a catastrophic decline in highway construction, uncertainty about longterm federal investment in state and local highway programs, combined with a lingering recession and associated state budget problems, poses a significant threat to the future of transportation builders and suppliers.

We urge the Senate to act promptly on passing the Reid amendment. This legislation provides for a full year extension of the

Federal Highway Program and funding to shore up the Highway Trust Fund.

Sincerely,

GERALD F. VOIGT,
President and CEO,
American Concrete
Pavement Association.

MIKE ACOTT,
President, National
Asphalt Pavement
Association.

ROBERT A. GARBINI,
President, National
Ready Mixed Concrete
Association.

JENNIFER JOY WILSON,
President and CEO,
National Stone,
Sand and Gravel Association.

BRIAN MCCARTHY,
President & CEO,
Portland Cement Association.

Mrs. BOXER. Mr. President, these letters are stark in their message to us. If we don't listen to this incredible group of people who are writing us these letters—these are Republicans, they are Democrats, they are Independents, they are Americans. They are saying: Set aside your differences and fund the highway trust fund. This vote will send a shiver through the spine of our entire business community and our working people if we don't get 60 votes today.

So we have an opportunity today to send the clearest of messages that we are ready to come together around a simple premise; that is, the transportation infrastructure of this Nation is not a political whipping boy. There is no time to play politics here—no time. We have one State already saying: Beware. We are putting off our contracting. What more do we need to see than that? This is just the beginning of what is going to happen. We know the Build America Bonds program, which will allow State and local governments to borrow at lower costs, is going to put people to work. Our treasurer, California treasurer Bill Lockyer, said Build America Bonds have enabled the State—our State—to sell more than \$19 billion in general obligation funds to meet voter-approved mandates for more than 7,000 vital infrastructure projects, in turn creating or sustaining more than 100,000 solid, middle-class, private sector jobs and businesses, large and small, in California.

The Build America Bond program is something our local people want, whether they are in California or anywhere else in the Nation. This program can cover bonds for school construction, clean energy, and all the rest. It will allow us to put people to work, and the decisions will not be made here but in our cities, our counties, and our States.

Clearly, the two infrastructure pieces in the Reid bill are essential in both

saving jobs and creating new jobs. Investments in infrastructure are a crucial component of job creation in our Nation. As we work our way out of this recession, the last thing we want to do is create uncertainty about our transportation funding. Too many people are counting on it.

I wish to mention, as the chair of the Environment and Public Works Committee, that what we are doing today will give us the time we need to pass a larger authorization, and I am working on that authorization with Republicans and Democrats on our committee. I wish to commend, in particular, Senator VOINOVICH for reaching out to me in an extraordinary way. He is reaching out his hand and he says: Let's get started. I say to him, through my remarks on the Senate floor: Absolutely. We are going to start working. That bill is going to be transformational. It is going to, I think, be another boon to our economy.

There is one thing I can say after spending so much time back home. I have not heard one of my constituents in my State—and I traveled to every part of my State and I met with Democrats, Republicans, Independents, business, labor, nurses, firefighters, everybody—not one disagrees with this point; that is, a great nation must have a great infrastructure. Our infrastructure must be updated. That means our roads, our bridges, our highways, our transit systems, our sewer systems, our water systems. We have water systems with arsenic in them. We have water systems that are not healthful for our families. No great nation can be a great nation if our people are not at the top of their game. You can't be at the top of your game if your child is getting ill because they are drinking tainted water. These are the things we have to do, and they are done in the private sector. On the transportation side, there is a separate fund for that highway trust fund, separate funds that go into that user fee, and that is how we fund our highways and transit systems. It is a very sound idea.

Again, I say to all colleagues: If we turn our back today on this very straightforward proposal that extends the highway trust fund and gives it the funding it needs to spend at the authorized levels, we are going to see more State departments of transportation, such as this one in Missouri:

Special Notice: Unless the Federal Government takes the necessary steps to ensure the availability of Federal funds for the remaining fiscal year, then the bid opening will be postponed or withdrawn until further notice.

That is not a threat; it is real.

I yield the floor.

• Mr. HATCH. Mr. President, I oppose invoking cloture on the motion to concur with the House amendment to the Senate amendment to HR 2847, also known as Senator REID's Hiring Incentives to Restore Employment Act.

Only 2 weeks after President Obama stood in the House of Representatives to deliver his State of the Union ad-

dress calling for a bipartisan solution to creating job growth, the majority leader has pulled the rug from underneath both Democrats and Republicans. Senators BAUCUS, GRASSLEY, and others, including myself, had been spearheading an effort to put forth a bipartisan jobs bill. However, the majority leader inexplicably decided to gut our work product.

Let me be clear, there is no doubt in my mind and in the mind of many of my colleagues that passing a jobs bill is crucial. We have seen our unemployment rate remain stagnant at around 10 percent since last September. The American people sent us here to do a job, and it is way past time we did it.

That is why I worked with Senator SCHUMER to come up with a payroll tax holiday for those companies that hired more employees. Under this incentive, the sooner a company hired an unemployed worker the more tax incentive the company would receive.

Regrettably, because of the majority leader's decision, it looks as though President Obama's hope for a bipartisan solution to job creation only lasted 2 weeks. What a shame.

The original package, negotiated by Senate Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY, included an array of tax provisions aimed at providing the private sector with the ability to hire more employees and invest in more equipment.

The extension of these expired tax provisions only support proven growth of companies that are slowly beginning to see the light at the end of the tunnel.

The President set the tone at the beginning of the year by calling on Congress to put forth a bipartisan solution to creating jobs in this country. In response, both Democrats and Republicans brought innovative ideas to the table. Then, in a sudden change of events, many Republican ideas have been excluded from the jobs bill the majority leader has brought to the floor.

And again, the majority leader has maneuvered this legislation to prevent any amendments from being offered by our side. If this is not an arrogance of power, then I do not know what is. I only hope the majority leader heeds to President Obama's plea for a bipartisan solution.

I think it would be a grave injustice to the American people to pass this bill in this way. How is the minority supposed to have faith that the minority will not be excluded from debate of future legislation, such as health care and energy legislation? It is easy to label the Republicans as the party of no when you completely exclude them from the legislative process. No is the only option that remains. •

Mr. GRASSLEY. Mr. President, the Senate is about to engage in a cloture vote on the Senate Democratic leadership's third stimulus bill. What I find surprising is that what we are about to

vote on indisputably and absolutely belongs to the majority leader. That is to say we are not going to vote on a bipartisan package that I put together with Finance Committee Chairman BAUCUS. I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leader was highly involved in the development of a bipartisan bill, he arbitrarily decided to replace it with a bill he hopes to jam through the Senate.

As much as I was surprised by the Senate Democratic leader's disregard for bipartisanship, I am even more surprised by the explanations given by him and his cohorts.

Perhaps the most significant change between the bipartisan package Chairman BAUCUS and I helped put together and the package we will be voting to move to is that a package of expired tax provisions has been removed. Normally referred to as extenders, these generally very popular and certainly bipartisan provisions have been extended several times over the past few years.

What is surprising is that hyperpartisan members of the majority have suddenly decided that the tax extenders are partisan pork for Republicans. A representative sample comes from one report, which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support." Just today the Washington Post includes this attribution to the Senate Democratic Leadership. From the Post: "We're pretty close," {the majority leader} said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefitted too much from the larger Baucus-Grassley bill.

The portrait being painted by certain members of the majority, echoed without critical examination in some press reports, is wildly inaccurate. For one thing, the tax extenders include provisions such as the deduction for qualified tuition and related expenses and also the deduction for certain expenses of elementary and secondary school teachers. If you are going to school or if you are a grade school teacher, the Senate Democratic leadership thinks you are a fat cat so you are on your own. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad, because helping you would amount to a corporate giveaway in the eyes of some.

The tax extenders have been routinely passed repeatedly because they are bipartisan and very popular. Democrats have consistently voted in favor of extending these tax provisions.

House Speaker NANCY PELOSI released a very strong statement upon House passage of tax extenders in December of 2009, saying this was, "good

for businesses, good for homeowners, and good for our communities.” December of 2009 was not very long ago. In 2006, the then-Democratic leader released a blistering statement: “After Bush Republicans in the Senate blocked passage of critical tax extenders, . . . American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks.” I ask unanimous consent that both of these statements be printed in the RECORD in their entirety.

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

PELOSI: TAX EXTENDERS ACT CREATES NEW JOBS, GROWTH, INNOVATION, AND OPPORTUNITY FOR EVERY AMERICAN

WASHINGTON, DC—Speaker Nancy Pelosi released the following statement today after the House passed the Tax Extenders Act of 2009, which will help to create jobs and cut taxes for American middle-class families. The House passed the bill by a vote of 241 to 181.

“Today, Congress took another positive step forward in our drive to create more jobs, strengthen our economy, and lay the foundation for long-term prosperity. By passing the Tax Extenders Act, we are placing our working families at the center of our economic recovery.

“This legislation is good for businesses, good for homeowners, and good for our communities. The bill extends research and development tax credits for American companies, encouraging them to invest in innovation and clean energy, and create the high-tech jobs of the 21st century. It provides property tax relief to 30 million families, ensures our men and women called to serve overseas do not face a pay cut here at home, and offers some security for millions of parents, teachers, and consumers by extending deductions for college tuition, classroom expenses, and state and local sales taxes.

“Maintaining our commitment to fiscal discipline, this legislation will not add to the deficit. The costs of this proposal are fully paid for because we put an end to the preferential tax treatment for hedge fund managers and investment bankers and crack down on offshore tax havens.

“This bill is a down payment on new jobs, growth, innovation, and opportunity for every American.”

REID: REPUBLICANS SHOULD STOP BLOCKING TAX EXTENDERS

WASHINGTON, DC—Senate Democratic Leader Harry Reid today issued the following statement after Bush Republicans in the Senate blocked passage of critical tax extenders.

“American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks. Families who just recently took their sons and daughters to college now wonder whether the tuition deduction that Republicans allowed to expire last year will get reinstated. Teachers, forced to reach into their own pockets to provide supplies for their students, now wonder why Republicans refuse to extend the modest tax break they get for doing so. Instead of holding such important tax provisions hostage to ill-fated estate tax giveaways to multi-millionaires, Republicans should join Democrats to pass these measures today. Middle-class Americans deserve a new direction, where they will not be forced to endure a tax increase because of Republican inaction and obstruction.

Mr. GRASSLEY. Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008; the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous consent; and the Working Families Tax Relief Act of 2004, which originally passed the Senate by voice vote although the conference report received 92 votes in favor and a whopping 3 against. According to the nonpartisan Congressional Research Service, extension of several of these provisions go back even further, including the Tax Relief Extension Act of 1999, which again passed the Senate by unanimous consent but lost one vote on the conference report.

Blinded and dazed by the power of their now not-so-super majority, certain Democrats have in the last few weeks turned against the extenders. One Democrat said:

Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again. My own view is, let's test them.

Another member of this large 59-vote majority exclaimed:

It looks more like a tax bill than a jobs bill to me. What the Democratic Caucus is going to put on the floor is something that's more focused on job creation than on tax breaks.

The only explanation for this behavior is that certain Senators have decided that it serves a deeply partisan goal to slander what have been for several years bipartisan and popular tax provisions benefitting many different people.

Today's Washington Post article I quoted from earlier includes a statement from a Senate Democratic leadership aide saying:

No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed.

Having put their heads into the sand, this chamber's Democratic leaders seem intent on keeping them there. I appeal to all of you to vote against the Democratic Leadership's effort today to jam the Senate. A vote for the Senate Democratic Leadership's cloture motion is a vote to foreclose an opportunity to improve the bill. It also is a vote to forbid any corrections to mistakes in the bill. And there is a significant mistake in the Senate Democratic Leadership's bill. The bill as currently written would allow employers of illegal workers to benefit from the payroll tax holiday. We should correct that mistake with an amendment.

The Senate Democratic Leadership's posture prohibits this correction.

Either the Democratic leaders are playing partisan politics with tax extenders, or they don't understand the worth of the provisions to the economy, including job retention and creation. The biodiesel industry alone says 23,000 jobs are at risk due to the biodiesel tax credit being allowed to expire. Those workers are not fat cats.

And in case anyone thinks biodiesel is something only Iowans worry about, these green jobs are in 44 of the 50 states. There are 24 facilities in Texas. There are 15 facilities in Iowa. There are 6 facilities in Illinois and 6 in Missouri. There are 4 facilities in Washington. Ohio has 11 facilities. There are 5 facilities in Indiana. There are 3 facilities each in Mississippi and South Carolina. There are 7 facilities in Pennsylvania and 4 in Arkansas. New Jersey has 2 facilities.

There is one facility in North Dakota. Only 6 of the 50 States do not have some biodiesel production. They are Alaska, Delaware, Maine, New Hampshire, Vermont, and Wyoming. The other 44 States have some biodiesel presence. I have an article from the Erie, PA, newspaper, describing the struggles of a local biodiesel plant.

So we need to turn away from talk of fat cats. We need to get back to work on the bipartisan package that was in the works until the Senate Democratic Leadership's dramatic change in direction. Many people who are not fat cats or a part of large corporations are counting on these provisions being extended, and they are counting on their elected representatives to work together, as we were doing, to get the job done.

I ask unanimous consent the article be printed in the RECORD.

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

ERIE-BASED BIODIESEL COMPANY PRESSES FOR RETURN OF TAX CREDIT

HERO BX SUFFERS WITHOUT BIODIESEL INCENTIVE

(By Jim Martin)

A major financial incentive to purchase biodiesel fuel disappeared Jan. 1, and companies such as Erie-based Hero BX are feeling the pain.

Hero, which can make up to 45 million gallons a year and ranks as Pennsylvania's largest biodiesel company, ran full steam for most of 2009.

But now, the loss of a \$1-a-gallon tax credit for buyers who blend biodiesel with petroleum-based fuels has softened demand dramatically, said Mike Noble, Hero BX president.

The plant has operated only about 10 days since that credit expired at the end of 2009, he said.

“We are running today and tomorrow. Then we will be done for a few days,” he said Friday. “It comes and goes, but there is not a lot of demand.”

He's hoping the problem is temporary. So far this year, however, efforts to reintroduce the tax credit, which makes biodiesel prices more competitive, have fallen flat.

An extension of the credit was included in a draft of an \$85 billion Senate jobs bill.

However, Senate Majority Leader Harry Reid, a Democrat from Nevada, announced he would trim the tax credit, along with other provisions, to a more modest \$15 billion.

Now, Reid and other Democrats in the Senate are under pressure to restore the tax credit, not only from Republican senators, but from Agriculture Secretary Tom Vilsack, who has called the credit, “an important credit and support mechanism” for renewable fuels.

There seems to be general agreement in Washington that the credit will eventually be extended. The question that remains is, "When?"

The timing matters a great deal to Hero BX, where Noble said biofuel production supports 40 jobs directly and another 40 or so office jobs indirectly.

So far, none of those employees have been laid off, despite a dramatically reduced production schedule.

"Once we get them trained, it's a very technical job. I really don't want to lay them off," Noble said, citing the time and expense of training new employees.

Noble said Hero BX has received support from U.S. Sens. Arlen Specter and Bob Casey, both Pennsylvania Democrats.

"Senator Casey thinks we must quickly restore the biodiesel tax credit to preserve jobs in Erie and promote energy independence," Stephanie Zarecky, his press secretary, said in a statement. "Senate leadership has announced their intention to bring an extension to the floor. Senator Casey hopes that it will come to the floor soon and receive bipartisan support."

Kate Kelly, press secretary for Specter, said her boss has been a champion for the industry as a co-sponsor of the Biodiesel Tax Incentive Reform and Extension Act of 2009, which would have extended the tax credit through 2014.

She said in a statement that "Senator Specter's office has been working closely with stakeholders on the matter and is looking for an appropriate legislative vehicle through which to reinstate the tax credit so that companies like Hero BX can get back on their feet."

Both Hero BX and Erie-based American Biodiesel Energy Inc. can look forward to May 1, when a new state mandate takes effect that will require a 2 percent blend of biodiesel in all diesel sold for over-the-road use in Pennsylvania.

Noble said that mandate will be good for business but hopes he doesn't have to wait that long to see some relief.

"The longer it takes, the further we go in debt and the harder it will be to get out of the hole," he said.

Mr. REID. Mr. President, what is the order before the Senate at this time?

The PRESIDING OFFICER. The time until 5:30 p.m. is under the majority leader's control.

Mr. REID. Mr. President, if we are going to get the American economy back on track, we have to get the American people back to work. We know our serious troubles were not created in 1 day and we know they will not be solved overnight. But we have to begin. We have to take that first step. That is what the bill before us represents: a strong first step in the right direction.

This is a jobs plan that will cut businesses' taxes as an incentive to hire unemployed workers. It is a plan that includes tax breaks for keeping those workers on the payroll and even more help for small businesses to write off their investments. In fact, this legislation will allow small businesses to write off up to \$250,000 for equipment and materials they purchased. That is a good deal. They do not have to depreciate it.

It will extend the highway trust fund and expand Build America Bonds. I just finished a meeting a few minutes ago with 11 Governors. This is one of the

best programs with which they have ever dealt. We have no more money. It creates jobs immediately. It is oversubscribed. It is a wonderful program that will build roads, will build other projects, bridges. The highway trust fund, for example, will save 1 million jobs; in Nevada, thousands of jobs.

I have a letter, if people think this is not a serious issue we are dealing with—and I do this because it is the only one I have—from the Missouri Department of Transportation:

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year prior to 12:00 p.m. on February 25, 2010, the scheduled February 26, 2010 bid opening will be Postponed/Withdrawn until further notice.

That is how it is. Missouri is not alone.

With this bill, we will create the right conditions for the private sector to start hiring again, and we are doing so in the right places.

These moneys, even though they come from Congress, the taxpayers' dollars go to create private jobs. These highways are not built by a bunch of Federal employees; they are built by private contractors. For every \$1 billion we invest in infrastructure, we create 47,500 high-paying jobs and other jobs that spin off from them.

With this first bill, we will create the right conditions for the private sector to start hiring again. I think we are doing it in the right places. When we help small businesses thrive, we will create jobs that will let more entrepreneurs innovate and invent. When we invest in improving our roads and bridges, we will create jobs so workers can support their families but also create infrastructure to support our growing Nation.

This bill is as good for the employees as it is for the employers. This bill is good for the employers who will do the hiring. This is such a good deal. If a person is out of work for 30 days, a business can hire them. If they hire them for up to 30 hours a week, they do not have to pay their withholding tax, and at the end of the year they get a \$1,000 tax credit.

On my trip home, businesses on the verge of hiring people said: This is going to allow us to hire people. We can afford to do this. This is as good for the employers doing the hiring as it is for the employees who will be getting hired.

One thing about this bill. Everybody should hear this. It is fully paid for, no deficit spending, which means we are not adding a single dime to the deficit, not a penny. We are doing this the responsible way, holding ourselves to the same budgeting standards we teach our children: You can only spend the money you have.

Each of these components—what are they? The Build America Bonds provision I talked about; extending the highway bill for a year; the provision Senator HATCH and Senator SCHUMER

came up with that I talked about that allows an employer to hire somebody who has been off work for up to 60 days; and the final provision that allows them to write off \$250,000 in purchases—is a good deal. That is what is in this bill.

We are doing this bill in a way that is responsible. You should not spend money you do not have, and that is what we are doing here. Each of these components—the tax breaks, the support to help small businesses grow and hire more workers, the new construction projects, and the fiscally responsible way we are doing it—is a non-partisan idea. Republicans have supported every part of this bill in the past—every part of this bill—and Democrats have also done the same. There is simply no reason it should not receive overwhelming support from both sides of the aisle. But so far, I am sorry to say, this has not happened. I am disappointed that this has been the case.

As the Presiding Officer knows, we had to file cloture some 70 times last year—70 times. That is remarkably bad. Let's change that. I have spoken some with some of my Republican colleagues this past week and said: Let's don't do that anymore. Let's work together.

Who can complain about this bill? I have told the Republican leader and I have told anyone who will listen that we are going to move very quickly to a bill that will take about a day—travel promotion—after this. In every State in the Union, No. 1, No. 2, sometimes No. 3, but mostly No. 1 and No. 2, the economic driver is tourism. We are the only modern Nation that does not advertise itself. Watch TV and see the advertisements coming from Australia, New Zealand, South American countries, the Caribbean islands, and European countries. We should do the same. The Travel Promotion Act will save \$½ billion, and it also pays for itself. There is no deficit spending.

As we finish that bill—it should be toward the end of the week—we are going to move into the tax extenders, unemployment, COBRA, issues such as those. I have explained that to the Republican leader.

Rather than figuring out how we can up the other politically, let's figure how to put Americans back to work. I am sorry to say my friends on the other side of the aisle are looking for ways not to vote for this bill. The business community supports this legislation. It is jobs. Rather than rally around a plan we know will create jobs, I have heard excuse after tired excuse. But the American people want us to work together. They are not buying these excuses.

Why wouldn't we do this bill? We can create jobs starting in just a few days. If someone could explain to me what is wrong with this bill, I would be happy to listen to them. What is wrong with this legislation? Some have questioned the size of the bill. Only in Washington

is a \$15 billion investment to create and save more than 1 million jobs not enough. I was stunned to hear on the radio this morning—when I received my press briefing, I was told that the unions and the left—whoever that is—oppose our bill because it is not big enough. Now try that one on, Mr. President. Only in Washington is a \$15 billion investment to create and save more than 1 million jobs not enough.

The answer is not to do nothing. It is to do something to create jobs and then create more jobs and then create more jobs after that. That is why this is not the only jobs bill we are going to be dealing with or the last jobs bill we will bring to the floor. We have a jobs agenda, not a jobs bill. We are not going to stop until every American who wants a job can get one.

Some Senators—one Senator in particular, but there are others; this Senator does not stand alone—think that money that was spent on TARP should be returned for the deficit. Other Senators said: I think the money that has not been spent from the stimulus should be returned to employees. These are all good ideas, and amendments are going to be able to be offered when we get to our package later this week. That is the way it should be.

We want every person in America who needs a job to get a job, but we cannot do it alone. My friends on the other side of the aisle share this responsibility. When I had 60 votes, all the responsibility was mine. It is no longer that way. We are down to 59, and 1 of my Senators is sick today. I did speak with Senator LAUTENBERG last night. He is doing fine. He is such a strong man. He said he will be back in a week or two. He is doing just fine.

If Republicans support this bill, as they have all the elements of it in the past, and they join us to pass it, we are going to do many more bills just like this to create jobs. However, if my friends on the other side of the aisle want to put partisanship ahead of people—people who are out of work—if they once again try to distract from the issue at hand, they will only confirm their reputation as the party of no. They will only confirm the American people's fear that Republicans refuse to do anything to help them.

So to my Republican colleagues, I say as seriously and fervently as I can: Work with us. Show us you are serious about legislating. Show our constituents you are serious about leading. Show the skeptics that you know that putting people back to work is far more important than putting points up on the political scoreboard. Most important, I ask my Republican colleagues to show those Americans who deserve a job they can go to every morning, a job they can get up and go to, that we are willing to do our job tonight.

It is remarkable we have to hold a procedural vote on a bill that will create jobs. It will be regrettable if the minority prevents us from moving for-

ward, from taking that first step, from giving millions of unemployed Americans the hope that tomorrow will be better than yesterday.

Think what it is for someone to get up in the morning and have no place to go to work. I have met with some people, while I was home, dealing with domestic abuse. It has gotten out of hand. Why? Men do not have jobs. Women do not have jobs, either, but women are not abusive, most of the time. Men, when they are out of work, tend to become abusive. Our domestic crisis shelters in Nevada are jammed. That is the way it is all over the country. Jobs bring dignity, and that is what this legislation is all about.

I hope we can pass this legislation and move on during this work period and work together in doing some good things for this country.

We have a couple minutes until 5:30 p.m. It is my understanding the vote is to occur at that time. Since there is no one on the floor, I ask unanimous consent that the vote start early, and we will not cut it off early.

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

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Mark R. Warner, Tom Harkin, Kay R. Hagan, Daniel K. Inouye, Bill Nelson, Al Franken, Max Baucus, John D. Rockefeller IV, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Frank R. Lautenberg, Byron L. Dorgan, Richard Durbin.

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

The question is, Is it the sense of the Senate that the debate on the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted "nay," and the Senator from Utah (Mr. HATCH), would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—62

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown (MA)	Kaufman	Shaheen
Brown (OH)	Kerry	Snowe
Burris	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NAYS—30

Alexander	Ensign	McCain
Barrasso	Graham	McConnell
Bunning	Grassley	Murkowski
Chambliss	Gregg	Nelson (NE)
Coburn	Hutchison	Risch
Cochran	Inhofe	Roberts
Corker	Johanns	Shelby
Cornyn	Kyl	Thune
Crapo	LeMieux	Vitter
DeMint	Lugar	Wicker

NOT VOTING—8

Bennett	Enzi	Lautenberg
Brownback	Hatch	Sessions
Burr	Isakson	

The PRESIDING OFFICER (Mrs. SHAHEEN.) On this vote, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to concur with an amendment, the motion to refer falls.

Mr. REID. Madam President, I hope this is the beginning of a new day in the Senate. Whether this new day was created by the new Senator from Massachusetts or some other reason, I am very happy that we were able to get this vote. But there are some winners—not any individual Senator, not Democrats or Republicans; the winners are small business people throughout this country.

On my trip home this past 10 days, people are excited about the fact they may be able to write off \$250,000 for things they badly need—not depreciate it, just write it off. The other three

provisions are wonderful. To extend the highway bill for a year is going to save thousands of jobs in Nevada and 1 million jobs throughout the country. So the small business communities throughout this country are winners, and also workers. This is going to create jobs.

I had a long conversation today with the Republican leader, and I told him what the plans are in the Senate. He listened very closely, and we had a very good conversation. We are going to move, for a day or two after we complete this, to travel promotion, another bipartisan bill. It will save \$½ billion. It will create thousands and thousands of jobs. All around the world countries advertise their tourism, but we do not. In this great country of ours, we do not see anything on TV. All we see is money being spent by other countries having us go to their countries. We want to do the same in their countries. That is what this is all about. Every State in the Union, all 50, the No. 1, 2, and in a few instances the third economic driving factor is tourism. This will help tourism.

As soon as we finish that, toward the end of this week, what we will do is move to the Finance Committee matters that they worked on before, and they worked very hard. I am glad we have made progress in that regard. I told Senator MCCONNELL that will be open to amendment. I will try to work out with him so many amendments on each side. If we cannot do that, we will not do that. I hope we can do that. But if we cannot, we will move forward on the tax extenders, the expiring provisions, and a few other things.

It is really a new day. I look forward to this work period being one where we can all go home and say: You know, ladies and gentlemen from Nevada and New Hampshire and Illinois and New Jersey and New York and Arkansas, we are working together. We are really getting things done together. That is what legislation should be about. Legislation is the art of compromise. It is building consensus and working together.

Basically that is what this piece of legislation is all about. This is not the jobs bill that we just completed. At least cloture has been invoked, and we will vote on that in another day or so. It is part of an agenda. We are going to have, later this month, another jobs bill. I have spoken to a number of Republican Senators. They have specific provisions they want in this bill. It will deal with small business. During the last 10 years, 96 percent of all jobs in America were created by small businesses. I am very happy we were able to do this.

I express my appreciation to Senator BOXER, chairman of the Public Works Committee. She has worked so hard. I love her committee. I was chairman on two separate occasions. It is a committee I have fond memories of serving on. Every time I see the enthusiasm of BARBARA BOXER, I know why the State of California cares so much about her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before the majority leader leaves the floor, I want to say to him that today jobs triumphed over politics. That is a great day around here. Jobs triumphed over politics. I want to say to Senator REID, this idea you have to keep these bills very straightforward and very easy to understand, this bill, four parts to it, two parts dealt with infrastructure, two parts dealt with tax breaks that were related to making capital investments and hiring unemployed workers, is very simple for people to understand. I have to say to my Democratic colleagues, 57 of whom voted for this, thank you. And to the five Republicans who joined us, thank you so much. It means so much to the working families of this country, to the business community.

I want to say a special word to Senator LAUTENBERG if he is watching. I know how strongly he supports transportation. He is kind of Mr. Transportation in New Jersey. We all wish him well. We know he would have been here if there was any way for him to be here. I will not say any more than I said before. I want to thank specific people out there around the country whom I talked to on several conference calls over this break. They were always there. Night and day we talked. I explained to them how close this vote would be. They explained to me that they understood what the stakes were, a million jobs at stake in relation to the highway trust fund, thousands more at stake in relation to the Build America bonds. This is a good day.

I thank 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; the International Union of Operating Engineers; the American Highway Users Alliance; Faster, Better, Safer Americans for Transportation Mobility; the AAA, which wrote to us. I want to say to all of them, they made this vote work because they knew what was happening on the ground.

In closing, I have one more thank you. This is a strange thing to say but I want to thank the Missouri Department of Transportation for telling the truth. Listen to what they wrote:

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year, bid openings will be postponed or withdrawn until further notice.

In other words, the Department of Transportation in Missouri, being the first State to be hit with this mess—by the way, followed closely by North Dakota, they are very close to this place, all of our States are—they came forward and told the truth that we had to act today. I hope the House will act with us, and we will get this resolved.

In March we will start on the new bill. It is a good day.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me thank the Senator from California, Mrs. BOXER, and certainly Senator REID and others. This vote was very important. The question for the Senate and the Congress is when 25, 26 million people wake up in this country and go looking for a job and can't find it—the numbers I know are 16 to 17 million people, but the real number of people who are unemployed in America is much higher than that. There are many who have given up hope. At a time when that many Americans are looking for work and can't find it, they need some hope. This Senate has a choice of doing nothing or doing something. There are too many in this Senate who have always been satisfied to do nothing. Tonight, finally, in a piece of legislation that will put people to work, we know, for example, that the private sector hires people, small and medium-size businesses. But we also know that when you spend money for highways, highway contractors are going to put people on payrolls immediately, because those programs and those projects are already engineered, already designed, ready to go. The money doesn't exist for them. When the money is made available, people will be hired immediately.

The same is true with respect to the wage tax credits in this piece of legislation. I held a hearing in the policy committee. We had three small to medium-size businesses there, all of which are profitable, all wonderful businesses, all ready to expand. But none of them could because none of them could find capital or they had no access to capital from their banks. Money was not available. These are successful businesses, profitable businesses, businesses wanting to and ready to expand, wanting to hire more people and can't do it.

The fact is, this legislation is another step in the direction of saying to small to medium-size businesses, when you are ready to begin hiring again, here is an additional incentive to hire that next worker. Slowly but surely we have to find a way to give people confidence, give the American people confidence that this economy is improving, that there will be a job, there will be opportunity and hope in the future.

We don't so much spend our days with people who are out of work. Most people serving in the Senate have a pretty wonderful opportunity. They put on a suit in the morning. We are the kind of people, we shower in the morning, put on a suit, are dressed up all day, come here. Our jobs are not being shipped overseas. In most cases, people in this Chamber have not been so much subject to the deep recession. But a lot of people have. Five-and-a-half million people who used to work in manufacturing making things have lost their jobs in recent years. The

question for most of those people who are looking for some hope from their leaders is: Will somebody do something, or is the government going to be content to do nothing?

The action this evening by which these four pieces of legislation, which include some incentives for small and medium-size businesses, some bonding authority that will increase economic activity, the extension of the highway program that will put people back to work, expensing for small businesses—these are all things that are going to actually put people on payrolls. It is not a case where we will hire somebody as a government worker. It is a case of incentivizing highway contractors to hire people to help build roads and bridges and repair roads and bridges. It is a case of incentivizing small to medium-size businesses to say: If you need that extra little incentive to hire that next person, here it is.

Finally, and even more important than the incentive, is the signal this sends, the signal that maybe at least, at long last, we will begin to see some progress, some cooperation, circumstances in which Republicans and Democrats vote together in sufficient numbers that things can get passed and get done. With as deep a recession as we are in, the deepest since the Great Depression, there is an urgency. It ought to be treated as an urgent situation. This vote this evening may well put us on the road to understanding how urgent it is and how important it is that we take action rather than delay.

I thank the leader and so many others. Senator DURBIN and I worked on a jobs package. These four provisions are in that package. There are other pieces we can implement in the future that will also be substantially important in getting people back to work, putting America back to work. I know the Senator from Ohio will speak next. I know he hopes that perhaps we will not just put people back to work but perhaps will make products that say “made in America” once again. Wouldn’t that be a wonderful thing.

One additional point. I spoke earlier describing the metaphor of filling the bathtub. We are trying to get the faucet going with incentives to put people to work. At the same time you have to plug the drain a little bit. We have a drain of jobs going out of this country. The President, in the State of the Union, said: Let’s get rid of that unbelievable tax break that we provide people for moving jobs overseas. I have been in the Senate working on that for a long time. It is unbelievable that we say to somebody: Close up your factory, fire your workers, move the jobs overseas, and you get a big fat tax break. We need to plug the drain, in addition to opening the faucet to try to get additional jobs and work on that in addition to the progress we have made this evening that will give some hope to the American people who want to go to work and need a good job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I thank Senator DORGAN, who has led with Senator DURBIN on all kinds of job creation efforts, understanding that although the private sector creates these jobs, it is a partnership with the private and public sector and State and local and Federal governments. He had it right. We need to follow his suggestions and those of Senator DURBIN as we move forward, including what was on the floor earlier this evening.

There are in my State some 640,000 unemployed people, in a State of about 11 million. There are hundreds of thousands more who are underemployed. There are tens of thousands of small businesses across Ohio. There are hundreds of thousands of Ohioans who help ensure that roads and bridges and transit systems serve the best interests of residents and businesses.

The bill we voted on today would help those Ohioans. These Ohioans didn’t bring about our Nation’s economic crisis. It wasn’t people who work every day in Zanesville and Lima or Findley who brought this on, but they are paying the price for it every day. Too many people are losing health insurance.

I was just on public television with the senior Senator from New Hampshire. I pointed out that 390 Ohioans every day lose their health insurance. This economy has squeezed more and more people, people who have jobs, let alone the anxiety of people who have jobs and are afraid that they will lose those jobs. Small businesses in my State have everything it takes to thrive, but they are undermined by this perilous economic climate. Construction workers, manufacturing workers, small businesses, other hard-working Ohioans who keep our State going are losing jobs, not because they are not good employees, not because they don’t show up, not because they aren’t working hard, but because the dollars aren’t there to pay them because employers are laying them off, whether in the private or public sector. Unemployed workers are remaining that way not because they don’t have the drive or the skills to succeed.

Majority Leader REID has introduced a bill based on proposals from Democrats and Republicans alike that would give tax breaks to small businesses and ensure dollars continue to flow into the highway trust fund. It is a bill designed to cut businesses a break. It is a bill designed to sustain our roads and bridges and transit systems to prevent massive job loss among the millions of Americans who work to ensure the safety and the effectiveness of our transportation infrastructure. If they are working, if our bus drivers in the cities who are getting particularly the elderly and low-income people to their doctors’ appointments or to their workplace, if they are working, if the

bus drivers and the transit workers and the construction workers and the highway builders, if they are working, then there is more money in the economy and more people are working.

It is a bill, unfortunately, most Republicans in this Chamber, for whatever reason—they always have a reason to be obstructive literally 100 times in this session, more than 100 times—it is a bill that most of my Republican colleagues are determined to kill. I thank Senator VOINOVICH, the senior Republican in my State, for his support. I thank the other four or five Republicans who voted at least to let us debate this bill, something in the past they haven’t even been willing to do on other legislation.

So at least we have made progress that way. But if the press is right, the Republican leadership and their lobbying friends gathered together. They have been working 24/7 to convince the public that a bill solely focused on small businesses and middle-class jobs is a bad bill. You may have seen news reports that 100 lobbyists sat down with Republicans and figured out a strategy to try to kill this jobs bill. It is the same story, it is the same movie we watched last year on health care. It is the same story again that we have seen, that they are doing whatever it takes to kill this legislation. Fortunately for the American people, fortunately for these hundreds of thousands of Ohioans who are unemployed or underemployed, they did not get away with it today, that enough Republicans broke with their leadership and supported efforts to move forward on jobs legislation.

Earlier today, I met with 200 to 300 Ohioans to unveil a report on how to get our State’s economy back on track. This was a group of Democrats, Republicans, and Independents, and it was a group that had everyone from the mayor of Mansfield and the mayor of Marietta, to small businesses, to large companies, a couple of executives, American Electric Power Company, to a whole host of citizen activists who want to do whatever it takes. They want to fight for made-in-America legislation that Senator DORGAN mentioned. They want a manufacturing industrial policy in this country. We are the only country in the developed world that does not have a real plan on how to do manufacturing, on how to build an industrial economy, on how we begin to lead the world not just in the technology, which we have done in solar and wind turbines and biomass and fuel cells—we lead in technology; we do not lead in industrial development and making those products. We developed the wind turbine technology in Sandusky, OH, about 30 miles from where I live, but most of the wind turbines, the components—a lot of components are made in Ohio, but most of the wind turbines are manufactured and assembled overseas. It is the same on solar technology, the same on biomass, the same on fuel cells. Our scientists, our engineers, our professors,

and our researchers develop a lot of this technology, but we are not making it in Ohio and New Hampshire and States around the country.

So today, as I said, all couple hundred, 250, 300 Ohioans—Democrats, Independents, Republicans—gathered to figure out how to do this, to move our State forward. As I said, there were a lot of Republicans. But Republicans in Washington look at the world differently. Many of them are trying to demonize a bill that provides tax breaks, that saves jobs. They need to take a step back, the Republicans in this body who I believe are very out of step with Republicans and everybody else in States such as mine. They need to take a step back and remember for whom they work.

Opposition for opposition's sake is not working for the American people. On the Senate floor, we need to work together to save small businesses, to help these small businesses get credit, to help these small businesses work with local communities to provide jobs. That is what they want to do. We can do this if we work together.

Madam President, I yield the floor.

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. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO THALIA DONDERO

Mr. REID. Madam President, Thalia Marie Sperry Dondero has lived in Nevada since 1942 when she transferred to Las Vegas for employment. She met and married Harvey Dondero, who worked for the U.S. Department of Education. He became an assistant superintendent of the Clark County School District. She began her community involvement through the Parent Teacher Organization as her five children were growing up. At the same time she was active in the Service League, director of the Las Vegas Girl Scouts for 10 years during which time she helped develop both Scout camps. She was also appointed to the Nevada State Parks Commission.

Thalia Dondero became the first woman elected to the Clark County Commission in 1974 where she promptly made the news by refusing to fill the role of coffee maker and secretary to the other male members of the Commission. Mrs. Dondero was a commis-

sioner for the next 20 years serving as chairperson three times.

Thalia's service mentored other women to run for office. During her tenure as commissioner, she was instrumental in the expansion of McCarran International Airport, the development of flood control projects and chaired the Las Vegas Valley Water District. Her efforts led to the expansion and protection of Clark County's recreational pearls, Red Rock Canyon, Kyle Canyon and Valley of Fire. In 1996, Thalia Dondero was elected to the Nevada System of Higher Education Board where she served two terms as chair.

In the past 50 years, all of Nevada and Southern Nevada specifically have been greatly affected by Thalia Dondero's lifelong dedication to the children of Nevada and their education. She has made significant contributions to the improvement of educational quality. She has continuously advocated for the Nevada environment. Thalia's single-minded civic responsibility and charitable contributions have played a major role in making Nevada and Las Vegas the destinations they have become.

TRADEMARK LAW TECHNICAL AND CONFORMING AMENDMENTS ACT

Mr. LEAHY. Madam President, on January 28, 2010, I introduced S. 2968, the Trademark Technical and Conforming Amendment Act of 2010, along with the ranking member of the Senate Judiciary Committee, Senator SESSIONS. I appreciate that the Senate moved quickly to call up and pass this legislation by unanimous consent. The speed with which the Senate acted on this legislation demonstrates what we can do when we work in a bipartisan fashion.

I recently received a suggestion from the chairman and ranking member of the House of Representatives Committee on the Judiciary, who introduced companion legislation, to improve and clarify the language of the section that requires a study and report. Specifically, they suggested that Congress should strike the words "by corporations" from paragraph (a)(1) of section 4. I agree that this suggestion adds clarity and, should S. 2968 be enacted, I will work with Senator SESSIONS and the House Committee on the Judiciary to amend the study language in subsequent legislation.

DIETARY SUPPLEMENT SAFETY ACT OF 2010

Mr. MCCAIN. Madam President, I wanted to take a moment to discuss the Dietary Supplement Safety Act of 2010 that Senator DORGAN and I introduced earlier this month. This legislation has been widely discussed since introduction and many falsehoods and misstatements regarding it have been raised. I want to take a moment to clarify what this bill will and will not do if passed into law.

We introduced this legislation at the request of the U.S. Anti-Doping Agency, Major League Baseball, National Basketball Association, National Football League, National Hockey League, U.S. Olympic Committee, American College of Sports Medicine, American Swimming Coaches Association, National Collegiate Athletic Association, PGA Tour, U.S. Lacrosse, U.S. Tennis Association, U.S.A. Cycling, U.S.A. Gymnastics, U.S.A. Swimming, U.S.A. Track and Field, and U.S.A. Triathlon. Additionally, scores of parents, spouses and high school athletic coaches requested action by Congress or the Food and Drug Administration (FDA) to assist them in ensuring the safety of dietary supplements.

I am proud that this legislation is so widely supported. However, opponents to this bill and their well-paid Washington lobbyists have spread false statements and rumors about the legislation, which is really a disservice to consumers, and instead proudly boast that they remain largely untouchable by the FDA.

This legislation would simply require dietary supplements to list all ingredients on the packaging, mandate that all dietary manufacturers register with the Food and Drug Administration—FDA—to ensure the FDA knows what is being sold and provide the FDA mandatory recall authority of any dietary supplement if the FDA finds the supplement to be hazardous to one's health.

Opponents have stated that the legislation would seek to limit consumers' ability to purchase dietary supplements, vitamins or prescription drugs. That is completely false. Opponents also claim the bill establishes a new regulatory structure for dietary supplements at the Food and Drug Administration. That is completely false. Opponents claim that this bill was only introduced to rein in a few athletes who took supplements and then tested positive for steroids or other substances banned by sports leagues. That is completely false.

This bill was introduced for the nearly half of all Americans who take a dietary supplement. People have died from taking dietary supplements, including a young mother and wife who lived in my home State, and thousands have had to be hospitalized or seen by a doctor due to an adverse reaction from a dietary supplement. It took nearly 10 years—and then a lengthy court battle—for the FDA to ban the inclusion of ephedra in dietary supplements after ephedra was linked to a number of deaths. Such a delay should never happen again.

Additionally, the more than 100 million Americans who consume dietary supplements should be able to know the ingredients of any supplement, and these supplements need to be required to be listed on the product's packaging. If you go to a grocery store and pick up a box of cereal, bread, yogurt or any product off the shelf, you can read the