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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

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

Let us pray.

We pause at the convening of this Senate session, Eternal God, to acknowledge our total dependence upon You. We are aware of the fragile and temporary nature of our earthly pilgrimage and look to You, the changeless one, to guide our steps. From You we borrow our heartbeats, and because of You we live and move and have our being.

Guide our lawmakers today with more than human wisdom. Give them the ability to solve the difficult problems of these challenging days. Lord, break in and through their human best that justice, truth, and peace may prevail. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I

hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

CONGRESSIONAL BADGE OF BRAVERY BOARD

Mr. REID. Mr. President, sometimes all it takes to be a hero is to do your job the way you are supposed to do that job.

A few days after New Year's, a deranged gunman walked into the Lloyd D. George Federal building in downtown Las Vegas. In addition to housing our Federal courts, it is also the building where my staff works, Senator ENSIGN's staff, and of course many other employees of the people of the State of Nevada.

Court security Officer Stanley Cooper and Deputy U.S. Marshal Richard J. Gardner—everyone calls him Joe—were on duty that day. They were both in the lobby when the gunman got there. Both of them were shot. Officer Cooper didn't make it. He died in the line of duty. I met his family and spoke at his funeral earlier this year, and I know they still miss him every day. Joe Gardner was more fortunate. He re-

turned fire on the gunman. He too was hit while protecting the people working and visiting the courthouse but he did survive.

We can never know for sure how many lives were saved because Officer Cooper gave his or because U.S. Marshal Gardner put his own life at risk. And they can never know how grateful we are for their courage. It is hard to explain.

I am proud to say I have appointed this exemplary Nevadan—U.S. Marshal Joe Gardner—to the Law Enforcement Congressional Badge of Bravery Board. Because if anyone knows what bravery is, it is Joe Gardner. Seven Federal law enforcement officers serve on this board for 2-year terms. I want to express my appreciation to my friend the Republican leader, Senator MCCONNELL, for joining me in making sure Joe Gardner is one of them. It was an easy choice.

Too often we take these heroes for granted. We pass them on the streets or on our way through an office building's lobby. There are precious few like U.S. Marshal Joe Gardner—good men and women who wake up every morning, go to work and put everything on the line to protect people they do not even know. They will tell you they are just doing their jobs, and we should be grateful they are doing their jobs. We should fulfill our responsibility just as often—by thanking them every single day.

Mr. President, would the Chair announce morning business now.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

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



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will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT OF 2010—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m., Monday, September 27, the Senate proceed to consideration of Calendar No. 578, S. 3816, a bill to create American jobs and prevent the offshoring of such jobs overseas.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 578, S. 3816, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

Mr. REID. I ask unanimous consent that the vote on the motion to invoke cloture occur at 11:30 a.m., Tuesday, September 28, with the mandatory quorum being waived.

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

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the majority leader has generously consented to allow me to make a few observations before I must leave the Chamber.

My view is the majority has literally wasted months in the Chamber trying to tell the private sector what to do instead of providing certainty to help them make investment decisions. This

bill we will be voting on cloture on Tuesday will do nothing to create jobs in our country. Most of the factories the Durbin bill is trying to prevent from moving overseas are not traveling overseas to sell back to the American market but are moving there to gain competitive advantage over foreign companies in foreign markets. In doing so, they create more jobs and more opportunity in the United States. The nonpartisan Joint Committee on Taxation has informed my staff that this bill, similar to so many others produced by the majority this year, will increase the deficit by nearly \$1 billion, violating the majority's own pay-go rules.

It is my hope we will not decide to debate and pass this bill. I think it would be a step in the wrong direction. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend is correct. There has been a lot of wasted time in the Senate. But it hasn't been because of the majority. We have had to answer to more than 100 filibusters, which have eaten up weeks and weeks of our time, when we should have been talking about jobs for the American people. For my friend to stand on the floor and say the continual exporting of jobs is good for the country is beyond the ability of someone to believe. Not only does the fact that these jobs are transferred to another country create tremendous job losses, but we give these people tax benefits for doing so. It is hard to comprehend how such a policy ever came to be. This is an effort to stop it.

We have some very commonsense ideas. One says: If you want to come back to the United States and you want to create some jobs here, we will give you a tax benefit for that. But we do say that if you are going to tear down a plant, an operation in America, you should not get a tax benefit for doing that, as now exists. Right now, if you move a wood manufacturing company out of the State of Washington, tear down your plant and move it to China, you get a tax break for that. The American people don't want that. Finally, outsourcing these jobs is the third part of our legislation—shipping jobs overseas, terminating the jobs here and then making the product over there cheaply and then sending the product back here and you get a tax break for it. The American people don't understand that. They don't understand it because it is illogical. That is what the debate will be about.

We will start the debate Monday afternoon. Everyone should be aware that we will have a live quorum at about 7 o'clock on Monday evening. I explained to the minority leader yesterday that we were going to do that so it is no surprise. Then we will see if during the evening we need any more. We will try to set up the debate in a constructive fashion. It is a debate we on this side relish.

Mr. President, I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

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

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

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, six months ago our Nation accomplished something that so many generations before had struggled to achieve. Six months ago yesterday, with the enactment of the Patient Protection and Affordable Care Act, our Nation stood up and declared that the health of our citizens is worth fighting for.

There has been a lot of debate, as the Presiding Officer knows, in this Chamber and in the House of Representatives and on the talk shows and talk radio. There is a lot of debate about theories and death panels and health care and preexisting conditions. But behind all of that is human beings in difficult situations. After hearing people say things about this health care law that simply aren't true, it is important to remember how this affects individual human beings.

This legislation began to take effect when, yesterday, several things happened. One is that a 22-year-old who is home from school who just got a job but doesn't have insurance in that job can stay on her parents' health care plan until she turns 27. Small businesses can get tax breaks to insure their employees. Something most small businesses—almost every small businessperson I know—want to do is provide decent, affordable health insurance to their employees. They will be better able to do that because of this bill. Also yesterday, because of this legislation, we saw movement toward the doughnut hole being closed. That simply means that senior citizens, conflicted with very high health care costs, having to choose between medication and heating their home or proper food, cutting their pills in half or having to skip a day in taking it because they couldn't afford it—this bill will begin to close that doughnut hole