

understands what it is in the Department of Justice and public service. He has worked for both Democratic and Republican administrations. He has been recommended by both Democrats and Republicans. He is not at all a partisan. He is the person whom you would want to have in the Department of Justice. And that is why Porter Goss said he found Jim Cole to be "a brilliant prosecutor and extraordinarily talented"—quoting from the Republican from Florida, who, along with the Democrats, was very proud of the professional work Jim Cole brought to a very partisan battle in the House of Representatives.

We should confirm this nominee. We should at least vote on this nominee. But to use this somewhat backward approach to deny a vote on the No. 2 person in the Department of Justice is just wrong.

I understand Senator SESSIONS is saying there will hopefully be an agreement before the end of this Congress. But, quite frankly, this nominee came out in July. It is not as if he came out of the committee last week. He came out in July. This is an important position, and I think we have a responsibility to vote up or down this important part of the ability of the Department of Justice to carry out its important mission. So I am disappointed that we had an objection heard on this nominee. I would urge everyone to make sure this nominee is voted on prior to when we leave for this holiday recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the President and the Attorney General need a Deputy Attorney General who can function, who has the confidence of the Congress and the American people and will do an excellent, first-rate job.

There are questions about this nominee. Every nominee who has been nominated for the Deputy Attorney General or other positions in the Department of Justice by President Bush was not rubber stamped within a day or two. Tim Flanigan, a highly competent nominee, was opposed by Democratic lawmakers aggressively after 9/11. The President withdrew him from consideration and then nominated someone who was promptly confirmed. He did not try to ram it down our throats.

Frankly, we have a problem of confidence in the Department of Justice. The Attorney General himself, perhaps following the lead of the President, has indicated on a number of different occasions a lack of commitment to vigorous action to prosecute terrorists who have attacked the country, and he has taken other steps.

I would have liked to have seen a Deputy Attorney General nominee who was not in that mold but who was more of a career prosecutor who would have helped bring some balance and input from a more traditional view of the

role of the Attorney General as someone who prosecutes criminals, protects the United States, defends law-abiding Americans from terrorists and criminals who attack them. That was the approach I took when I was attorney general. I hired people who were proven prosecutors. But Mr. Cole, for example, right after 9/11, indicated his belief that these attacks were not acts of war but instead were criminal acts; he wrote this in an article:

For all of the rhetoric about war, the September 11th attacks were criminal acts of terrorism against the civilian population.

I do not agree with that. The American people do not agree with that. Why does the President want to appoint somebody who thinks 9/11 was a criminal act and not an act of war? I think it is a big deal, so that is one of the reasons we have raised it. Is he going to bring some balance to Attorney General Holder or are they going to move even further left in their approach to these issues?

I would also note he was given a highly paid position as an independent monitor of AIG. This is the big insurance company whose credit default swaps and insurance dealings really triggered this entire collapse of the economic system. He was in the company at the time as a government monitor, and he did not blow the whistle on what was going on throughout this period of time.

It is argued that he wasn't precisely there to monitor. Sue Reisinger of Corporate Counsel wrote this about his handling of that matter:

It is as though Cole were spackling cracks in the compliance walls and never noticed that AIG's financial foundation was crumbling beneath his feet.

Mr. LEAHY. Madam President, would the Senator yield?

Mr. SESSIONS. One more point.

Beatrice Edwards of the Government Accountability Project criticized Cole for failing to "detect an atmosphere of . . . laissez-faire compliance of the company." So he has been criticized for a big, important role he had.

Those were just some of the concerns held in committee. And I wish the President had nominated somebody like Larry Thompson, who was Department Attorney General under President Bush, and whom everybody respected and would have been confirmed like a knife through hot butter.

Mr. LEAHY. Madam President, in a way, the Senator is making my point. If he has questions about Mr. Cole, let him argue them, debate them, set a time, and then vote yes or vote no. Particular issues come up in the Senate, such as nominees, and Republicans hold them up so they never come to a vote. Then the Senators can take any position they want to back home.

All I am saying is that we must vote yes or no and not maybe. We have too many issues in the Senate, whether it is tax matters, don't ask, don't tell, or nomination, where we continue to delay a vote.

I know the distinguished Senator from Alabama has never hesitated to vote yes or no in committee, and I commend him on that. Many times we agree, and a number of times we disagree, but he states his position as a yes or no. He and I have voted on this issue in committee and stated a position. I just hope everybody else can as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank the chairman of our committee. He is doing what I would do if I were in his place, in saying: Let's give this nominee an up-or-down vote and let's have a debate on it. Our leaders are working on that, and perhaps that can be accomplished. But it must be noted that this is a nominee who has some controversy.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The Senator from Maryland.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. CARDIN. Mr. President, the 111th Congress is drawing to a close and families across the Nation are preparing for the holiday season. In the Senate, we still have many items on our agenda, bills we need to complete before we adjourn. Many of these bills represent the priorities of various Senators addressing issues that some have worked on for this entire Congress, some for several Congresses. Other bills are necessary to prevent certain longstanding policies from expiring, such as tax relief for working families, and still others are needed to avert cuts in key programs such as Medicare payments to doctors and protecting rehabilitative services for seniors.

In addition to marking the start of the holiday season, this week also brings a devastating reminder of the economic disaster facing many families. On Monday, action to extend unemployment benefits to millions of people was blocked in the Senate by Republicans. Yesterday, those benefits expired. The Republicans are telling us we cannot consider any legislation until we take up tax breaks for millionaires. On December 1, more than 800,000 Americans were left without benefits and up to 2 million more will soon follow by the end of the year, including 48,000 Marylanders. There are some in this body who may not recognize the peril facing families whose benefits are being cut off. Every day I hear from Marylanders who are asking

Congress for help. They want to work but can't find employment. Many have been looking for a long time, over a year, sending hundreds of resumes, pounding the pavements, attending job fairs and numerous interviews, all to no avail. They want us to take the steps necessary to help the economy create jobs, and they need some assistance in the meantime to help them stay afloat.

Maryland's unemployment rate stands at 7.4 percent statewide. Although that is lower than the national average, in some counties the situation is more dire. In Baltimore City, the rate is 11 percent. In Dorchester County, it stands at 9.8 percent. In Somerset County, it is 9.9 percent, and in Washington County, it is almost 10 percent. Earlier this week several building trade workers visited my office. For them this is not a recovery, this is not a recession, this is a depression. That is because in the construction industry, unemployment rates range from 30 to 50 percent, depending on location. Among one local union in Baltimore the unemployment rate is 27 percent; more than one out of every four members has no job.

In fact, Labor Department statistics tell us that for every job opening there are five individuals actively seeking employment. The odds are not very good for someone trying to find employment today. That is why we have had long-term unemployment and why we need to extend benefits to those who are in need today. Nearly 15 million of my fellow Americans cannot find work. Of that total, the number of long-term unemployed, defined as those who have been jobless for 27 weeks or more, is about 6.2 million. As of last month, two-fifths of unemployed persons have been out of work for at least 27 weeks. Behind the aggregate numbers, there is a deeper sense of despair in many communities. Teenage unemployment is over 27 percent, Black unemployment is over 15 percent, and Latino unemployment is over 12 percent.

In addition to the number of people out of work and seeking work, the Department of Labor also calculates data that includes people who want to work but are discouraged from looking and people who are working part-time because they can't find full-time employment. In October 2010, the rate stood at 17 percent in that category.

During the course of this national debate over unemployment compensation, a number of issues are in contention: those who say the jobs are there and people should continue looking; whether this should be paid for or considered emergency spending; whether we should focus on growing the economy rather than on benefits; whether it is time to end benefits because the economy is recovering; that the unemployed do not deserve extended benefits and more.

Let me address some of these issues. For those who say the jobs are there

but people just aren't looking, in September 2010, almost 15 million workers were unemployed, but there were only 3 million job openings or five unemployed workers for every available job. In other words, if every available job were filled by unemployed individuals, four out of the five unemployed workers would still be looking for work. Last night we heard in this Chamber that the objection to extending unemployment benefits is because it is not paid for. It is right to extend tax breaks for millionaires and not pay for it because that somehow is an emergency situation, but extending unemployment benefits to those who are in dire need doesn't qualify as emergency spending. Historically, unemployment compensation extensions have been treated as emergency spending by Congresses and administrations going back to the Reagan administration. Families across Maryland and the Nation will tell us that when you have a mortgage that is due, when your heat is about to be cut off, when you cannot buy groceries for the family, that is an emergency situation. Their situations constitute emergencies, and we should treat them as such.

For those of my colleagues insisting extending benefits is not as important as getting the economy back on solid footing, I point out that numerous economists have pointed out the value of unemployment insurance benefits. These are dollars going back into the market, raising consumption, and creating jobs.

Let me compare it to what my Republican colleagues are saying about tax breaks for millionaires. Where is that going to benefit the economy? That money isn't going to go right back. We know unemployment benefits do go right back into the economy. The nonpartisan Congressional Budget Office has estimated that for every \$1 we spend in unemployment compensation, we generate more than \$1.90 back into the economy. In other words, it is a stimulus. The nonpartisan CBO has analyzed 11 different measures for their effectiveness in growing the economy, and it rates extending unemployment benefits as the single most effective tool. This helps job growth. When people receive unemployment benefits, they spend it immediately. That helps retail establishments, grocery stores, including many small businesses, and the overall economy. It is the definition of stimulus spending, and it is immediate.

With no extension, unemployed workers and their families will have less money to spend and will cut back on their purchase of goods and services, resulting in weaker sales, hurting businesses, and costing jobs.

Another sentiment I have heard expressed is, we are giving a handout to unemployed Americans. Unemployment insurance is not a handout. It is not government largesse. Unemployment insurance is just that. It is an insurance program. It is an insurance

program employees and employers contribute to so during difficult times, there is money available when a person loses their job. People receiving benefits had jobs, and the time they worked is reflected in the weeks of benefits they receive. This is an insurance program. It is countercyclical. It is supposed to be available during tough economic times. That is why unemployment insurance is paid. These funds should now be available to help people who need them.

Finally, I wish to address a misconception about the amount of unemployment benefits. These are not extravagant payments. The average benefit amounts to \$302 per week.

The reason we are told we can't bring this up is because we have to bring up the tax bill first. We can't get the tax bill up because Republicans are insisting we have to deal with the millionaires. The tax breaks for the millionaires are far more money than the \$302 per week for someone who is on unemployment compensation. What these families receive is not a lot of money, but it is a lifeline. It keeps food on the table, heat through the winter months, and gas in the car while they are continuing to look for jobs. The extension only gives those who are eligible for unemployment benefits the same number of maximum weeks we provide others during these economic times. It does not lengthen the total number of eligible weeks of benefits.

The highest unemployment rate at which any previous Federal emergency unemployment program ended was 7.2 percent in March of 1985, during the second Reagan administration, much lower than where we are today. So where do we stand? We have passed several short-term extensions, and we need to act again. Here we are today, as 800,000 Americans across the Nation have no benefits whatsoever. Yet our Republican colleagues object. They object to a short-term extension. They object to any extension. They say: First, let's bring up the tax bill that provides breaks for millionaires, and we can't bring up the middle-income tax relief until we take care of the millionaires.

Nearly every Member of the Senate has risen to talk about the need for job creation. I believe all of us are sincere. Each of us is committed to acting on legislation that will create more job opportunities for Americans. We have passed the Recovery Act and a Small Business Jobs Act and will soon consider tax extenders that will further help businesses invest more in jobs. Rather than abruptly cutting off those still in difficult times because of the economy, we should pass at least a 1-year extension of unemployment compensation benefits. On behalf of the millions of American families who will be affected by what we do or fail to do this week, I call upon my colleagues, at the start of the holiday season, to recognize the needs of families struggling to make ends meet and agree to an extension of this essential program.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS-CONSENT REQUEST—
S. 3981

Mrs. BOXER. Mr. President, the American people deserve to know why we are not legislating. We are all here, and we are not passing any bills, bills that are important to the American people; for example, a bill to keep the government operating. We are getting to the point where we are running out of time. We are not doing that today. A bill to authorize the Defense Department, here we are in the middle of two wars, we are not doing that bill. A bill to help victims of 9/11, the brave first responders who are suffering because they worked, some of them almost 24/7, in the debris that was so toxic to them, and I remember then EPA Administrator Whitman saying it was all fine, it was all safe, the air was OK. We need to help them. We are not doing that. A bill to help our firefighters, a bill to help firefighters have the dignity to be able to negotiate for their wages, a bill called the DREAM Act to help many productive young people join the military and go to college and help our country, we are not doing those either. We are doing nothing. We are not doing a bill to promote manufacturing that was offered by one of my colleagues. We are not doing a bill to give tax breaks to companies that hire unemployed workers. We are not doing a bill to end tax breaks for companies that ship jobs overseas. We are not doing the START treaty, a treaty that is endorsed by international experts from America on both sides of the aisle, including George Shultz, and people who worked for Ronald Reagan and George Bush. We are not doing that.

All these bills, including the unemployment insurance extension, which is so critical, all that is being held hostage by my Republican friends who all wrote a letter and put their names on it. I am not making this up. It is in writing. They said they would do nothing until they won tax break bonuses for those who earn over \$1 million, the millionaires and the billionaires. They are holding up all this important work. To me, it is shocking. I have heard of having an objection to a bill and having a strong moral objection to a bill and holding things up. They are holding up every single thing, as my friend, Senator STABENOW, has talked about for days now.

Here is the point: Democrats have agreed to give every working American a tax break on their first \$250,000 of income, every working American, up to the sky, a tax break on the first \$250,000 of income. We even offered to go up to the first \$1 million because some of our friends said: Oh, 250 isn't high enough. There are some small businesses in there. We investigated

that, and 97 percent of small businesses would be protected with the \$250,000 level. But if we go up to 1 million, all the small businesses are taken care of. We have expressed interest in going up to \$1 million. Guess what. This is not enough for the Republicans in the Senate. They are fighting for those earning over \$1 million, over \$1 billion. It doesn't matter. They are holding everything hostage.

Let's be clear. They are fighting, they are united, they are strong, they are adamant on behalf of the billionaires of this country, by the way, many of whom said: Please, we don't need any more tax breaks. We are doing great.

So if ever people wanted to know which party fights for whom, this is it, folks. This is the clearest example I have ever seen in my life.

Do you know that under the Republican plan a family earning \$10 million a year—listen, \$10 million a year—will get back, under their plan, \$460,000 every single year? They are fighting for that.

They say they care about the deficit. I do not see that because their position on tax cuts for millionaires and billionaires will add hundreds of billions of dollars to our deficit. But when you ask them whether they would be willing to help us to extend unemployment benefits to the workers who are caught in this deep, dark recession, they say: Oh, we can't afford it.

So listen, they will not pay for the tax cuts to their millionaire, billionaire friends, but they insist on cutting the Federal budget to pay for extending unemployment insurance, which, as far as I know, has never been done before. It is an emergency funding, and it is, by the way, \$50 billion compared to \$400 billion.

So I hope the American people—I know they have a lot of things to do, getting ready for the holidays and caring about families; unfortunately, many of them are worried this holiday; more than 400,000 workers in California will lose their unemployment benefits by the end of December—I hope they see who is fighting for them versus who is fighting for the millionaires and the billionaires. It is right out there.

I could not believe that one of my colleagues from the other side of the aisle, from Massachusetts, was outraged that we tried to extend unemployment benefits. Why is he outraged? He should be outraged that more than 2 million workers nationwide will lose their benefits by the end of December. We just got a report that 7 million unemployed workers could be denied access to benefits by the end of next year, while my Republican friends are fighting to get \$460,000 a year for someone who earns \$10 million. They would allow 7 million unemployed workers in our country to go without benefits.

Their proposal is: Well, let's cut a program. Well, ask any economist

about that. That is harmful to an economic recovery. We know that for every \$1 of unemployment insurance that gets spent, it has an impact of \$1.61 to the economy because folks on unemployment are not like the \$10 million-a-year family that is going to stick it in their trust fund; they are going to spend it in the corner grocery store, and that has a ripple effect throughout the economy.

I wish to read to you a statement by Laura from Long Beach, one of my constituents.

Today my parents' unemployment benefits expired. Today, I don't know how they're going to make it. I don't know what I'm going to do.

This morning I woke up to hear that the Republicans in the Senate have signed a letter pledging not to allow anything to pass until Bush tax cuts are reinstated. These are the same tax cuts that only help people who are employed, excessively wealthy, and people who will never hire my dad, who is a hard worker—but nearing 60.

He experienced losing his job when a lot of Americans did. Since then, he's been working low paying jobs at local businesses—businesses that little by little have had to cut back. Unfortunately, this usually means that they fire their newer employees—employees like my dad.

Since losing his job, his 10 year old car has quit working, leaving him bereft of transportation and making it even more difficult to find a job. My mom isn't as healthy as she used to be and can't work because she needs to provide childcare for my sister, who works hectic hours in the healthcare industry.

I'm currently in graduate school—the first of my family to graduate from college. My husband and I are debating whether or not I need to drop out so that I can help provide for my parents, who currently live out of state.

Suffice it to say, when I read the news this morning, I broke down in tears.

Let me divert. She heard about the letter from the Republicans saying they would do nothing until these tax cuts went in, and she broke down in tears. She said:

My family has lived a hard life, and this just made it harder. But really, I'm crying because I can't believe that this is what my country has come to—or more importantly, this is what my father's country has come to.

... He was raised believing that this country was the best country in the world—that it would always look out for the best interest of its people. He served in the military, bought American cars, and worked at the same job for over 20 years. So as much as I am writing this letter because I'm upset about my own familial circumstances, I'm equally interested in writing you to remind you of the middle class—and those of us who are slipping out of it.

I have a number of other letters, but I know other colleagues are here. But no one could be more eloquent than Laura and I want to thank her and everybody else who wrote to me and I