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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

God of new beginnings, the author and sustainer of our faith, thank You for this fresh start as we begin this fall session of the Senate. Bless our lawmakers to strive to do Your will, empowering them with greater knowledge and discernment so that they may approve the things that are excellent. Lord, give them a productivity that comes from the power of Your spirit, using them to do Your work on Earth. Show them Your greatness and Your mighty hand, for You are the God of our salvation. You are our rock, our fortress, and our deliverer; we will trust in Your strength to preserve this land we love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WEBB 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. Following leader remarks, the Senate will proceed to a period of morning business until 5 p.m. During that period of time, Senators will be permitted to speak for up to 10 minutes each.

At 5 p.m., the Senate will proceed to executive session to consider the nomination of Bernice Bouie Donald of Tennessee to be U.S. circuit judge for the Sixth Circuit. There will be 30 minutes of debate, equally divided, prior to the vote on confirmation of the nomination.

Upon disposition of the Donald nomination, the Senate will resume consideration and vote on the motion to proceed to invoke cloture on the patent reform bill. Senators should expect two rollcall votes this evening about 5:30 p.m.

JOBS AGENDA

Mr. President, first of all, I welcome the Presiding Officer and everyone back to the Senate after the August recess, as well as my good friend, the Republican leader.

I look forward to the No. 1 priority we have; that is, job creation. This isn't just a conversation among those of us in the Senate. The American people agree that is the No. 1 priority we should have.

I am sorry to say Republicans have distracted Congress from its most im-

portant responsibility—getting our economy back to work and back on track. That means jobs. We have been distracted time and time again. They have filed endless amendments on legislation that should engender bipartisan support. They have killed good bills with obstructionism and stall tactics. They have dragged out votes to continue funding the government. They did that on the CR we worked on for weeks and weeks, and all we were trying to do was to fund the government until October 1 and to avert a default crisis. Votes that normally had been routine under Democratic and Republican administrations were not with this Republican obstructionism we have had.

President Reagan asked Congress to extend the debt ceiling 18 times, and it was done 18 times. But this year—not like the era of President Reagan, when the debt was increasing significantly as a result of his agenda—our jobs agenda was held up and set aside for months. The work of Congress and our ability to do something about the economy was being held hostage. Rather than working with Democrats to pass job-creating legislation, Republicans insisted on reckless cuts that hurt our economic recovery.

Economists—take, for example, Mark Zandi, certainly a person who has shown some bipartisanship, worked for JOHN MCCAIN as his economic adviser and who is now in the private sector—have said we have to cut spending, and we have all acknowledged that. We agree with Mark Zandi. But we also agree with economist Mark Zandi in saying we have to be very careful about how we cut now because of the difficult times we are going through. We cut significantly in programs that create jobs, but we did it because we have to get this debt under control.

As my friend said, his No. 1 goal is to defeat President Obama—my friend the Republican leader. With that as the No. 1 goal, it makes it very difficult to get things done around here.

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



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S5315

The August employment report, released last week, should be a wake-up call to every Member of Congress—Democrats and Republicans. We cannot waste any more time, as has been wasted over the last 8 months. The private sector added less than 20,000 jobs last month, and that was offset by the further unemployment that came in the ranks of government. So the net job increase was basically zero. Although August marked the 18th straight month of private sector job growth, a stagnant unemployment rate is simply not good enough. Congress must act very quickly to jump-start the economy, and in doing that it will help the recovery.

We have to bring the unemployment rate down. It is time for us to get down to work, as we should have been doing all along, and we look forward to working with the Republicans who have delayed our ability to work together for some 8 months. That is going to take cooperation, which has been in short supply, it seems, in Washington in the last 8 months. I am hopeful we can begin a new work period, where our constituents' voices will be fresh in our minds.

I just returned from Nevada—as we all have returned from our States—and I had the time to talk with my friends in Nevada, people whom I have known for many years. I was talking to one of my friends in Reno today, and I said to him: Pete, it is very hard to look as you drive by these strip malls and see the for lease signs all over, in Reno and in Las Vegas. It is not good. They are struggling. Nevada leads the Nation in unemployment. That is not something of which we are proud.

People are having trouble finding steady work not only in Nevada but around the country and in all segments of our economy. Public radio had a piece on law schools, where enrollments have been cut way back. As I understood the piece they had on the radio, 16 percent of law school graduates can't find work—not in the legal profession or anyplace. So it is not only Nevada, it is all over the country. People are having trouble finding steady work—people with education and people without education. People are having trouble making their mortgage payments and even putting food on the table. So our constituents are going to be watching very closely this fall to see whether we have heard their message: We need some jobs.

We must set aside partisanship and we must do it for the sake of America and jobs. The American people are not going to be satisfied with the same obstructionism and gridlock they saw in the spring and summer. They know, as I do, that the Nation's economy depends on dedicated men and women—Democrats, Republicans, and Independents—working together to put bipartisan bills together and get America back to work.

We are going to waste no time in the Senate getting down to business.

Today, we will hold a vote on legislation to streamline the patent system, which will help entrepreneurs start new businesses. The America Invents Act—which passed the beginning of this Congress—will significantly reform the patent system for the first time in some 60 years. It passed the House with more than 300 votes, and it passed the Senate with 95 votes. This is exactly the kind of job-creating legislation our country needs to get our economic recovery back in motion. This bill will promote innovation, create American jobs, and grow our economy without adding a penny to the deficit.

I have to say, the patent bill was not held up by Republicans in the Senate; it was held up by Republicans in the House who held that bill for months and months. It is here now, and I am going to do everything I can—I think we all feel this way—to move this legislation along. Today, there are 700,000 patent applications—3 years' worth, at least—waiting to be reviewed. Who knows what is in that pile of patents. Could it be another Google? Could it be another software system that will revolutionize different parts of our society? Of course, there could be and likely is. We need to get through that backlog, and we need to unlock the job-creating potential of each patent.

This bill will also lower fees for small business applicants by up to 75 percent, helping put more people to work.

It is time our patent system became a tool to spark innovation, which is important, and so we need to move forward. The American Invents Act is the kind of bipartisan effort Americans have demanded and deserve from Congress, though I acknowledge it is only a beginning, a downpayment on the aggressive jobs agenda we understand is necessary.

We will hold a cloture vote on this legislation tonight, which I hope will allow us to get on the bill. I hope we will not have to file cloture on the bill itself. I have told my Republican colleagues, if there are amendments that need to be offered—a reasonable number of amendments—let's get them done. We have too much to do to waste weeks on this piece of legislation. We have already done that. So I hope we will have final passage in the next few days. This is important legislation, and we have had plenty of time to debate this in Congress. It is time to move on to other job-creating measures.

This work period is 3 weeks long. I hope we don't have to extend it into the following week. We have a holiday on the Wednesday following the Friday we intend to leave here. I hope we don't have to work into that work period, so we are going to do everything we can to avoid that. But during this work period we must extend the authorization of the Federal Aviation Administration. This is important.

As we know from what happened last month, 80,000 Americans were put out of work. I think it was certainly some-

thing which had some impact on the safety of what was going on around the country. We had safety inspectors who were paying their own way to go around the country. They were buying their own tickets and their own meals. We can't afford another FAA shutdown. It would put air travelers at risk and, as I indicated, immediately lay off 80,000 workers—thousands of them construction workers and 4,000 of them permanent employees.

This bill was held up for one reason and one reason only, to protect one airline company—one airline company—that is all. All the other excuses are only excuses. We need to move forward with this legislation and make this legislation pass on a permanent basis. We have had 20-plus temporary extensions of this legislation. We have to move on, but we certainly have to get an extension until after the first of the year. We can no longer be wanting to protect one airline—one airline of all the airlines in America. Only one airline company is complaining. Neither can we afford a disruption in the collection of the gasoline taxes or delay highway and mass transit construction projects that employ—I believe Senator BOXER indicated—1.7 million people. She is the chairman of that committee.

So before the end of the month, we must authorize Federal spending for the Nation's highways. Even Grover Norquist, the person who goes around telling everybody which bills are good to vote for and which aren't, has said advancing the highway bill is not a tax increase. And he, as I understand, is clearly one who won't oppose this crucial legislation which extends the highway bill we hope until the first of February or thereabouts.

During this work period, Congress also must make sure that FEMA, the Federal Emergency Management Agency, has the resources it needs to help American families rebuild their lives after some of the most deadly disasters in the history of this country. No. 1 was Hurricane Irene. We don't know for sure, but it will be in the top 5 or 10 of the most costly disasters in American history. We have to free this money. Right now, because of FEMA running out of money because of these disasters—just this past month, we had an earthquake here in the East, which surprised everyone. It was in the Presiding Officer's State but had impact in a lot of other places. The National Cathedral was damaged significantly, the Washington Monument was closed. FEMA has frozen long-term aid to Joplin, MO. We had almost 30 people killed, Mr. President. FEMA is there to lend a helping hand, and that hand has been drawing back because they are running out of money. So we need to fund FEMA and help the victims of Hurricane Irene and to make sure, with those other disasters taking place, we can also complete that work. We plan for these disasters as best we can. We put money in our budgets for what we anticipate will be disasters. But no one

can have a crystal ball and determine all these disasters are going to take place. So we need to understand these are emergency monies. If there ever were an emergency—it is these people who have been hurt by these devastating storms and emergencies.

On Thursday, I look forward to hearing President Obama's speech. It is a joint session of Congress. He is going to talk about job creation. It will be crucial for Congress to work together with the President to jump-start our flagging economy. It won't be easy for Congress to tackle all the things this fall—and I am only talking about things we need to do this work period—but it has never been more important than now to put our jobs agenda ahead of either party's political agenda.

I look forward to a productive work period during which colleagues on both sides of the aisle will work together for the good of our economy and the good of this great Nation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

CONTROL OF THE ECONOMY

Mr. MCCONNELL. Mr. President, it is good to see my friend the majority leader. I agree with him that I think we can make some significant progress in the next few weeks on some issues on which both sides have largely agreed. However, there are other things where clearly there remains differences among us.

As lawmakers return to Washington this week, every one of us, I am sure, is aware of the fact that many Americans are not only frustrated with the state of our economy but also with the state of their government. I don't think any one of us is under any illusion that the American people were particularly eager to see us come back. And who could blame them? After 2½ years of being told that Washington had the answer to everything from the high cost of health care to high unemployment, people have every reason to be skeptical. For more than 2½ years under the administration, Americans have been hearing about the wonders government spending would do for our economy and about the dangerous consequences of failing to apply bold solutions to big problems. And what has it gotten them? As Washington has grown bigger and bigger, Americans have continued to lose jobs. The national debt has exploded literally out of sight. And for the first time in our history, America's once pristine credit rating has been downgraded by a major rating agency. The average length of unemployment recently surpassed 40 weeks for the first time ever, and just last week we learned that in the month of August not a single new job was created in this country—not one. But here is the bottom line. In the 2½ years

since President Obama signed his signature jobs bill—the so-called stimulus—there are 1.7 million fewer jobs in our country.

Statistics such as these help us to understand the dimensions of the economic challenges so many Americans continue to face. But most people don't need to read the morning papers or wait for the monthly jobs report to know they are struggling. And no amount of speeches, however carefully crafted to appeal to the anxieties of the moment, will convince them that some politician here in Washington, from the President on down, has the solution. The truth is, President Obama did more for jobs last week by reversing himself on a single government-imposed regulation than he has done in all the speeches he has given put together.

At this point, I think most people have safely concluded that the problem with our economy isn't that Washington is doing too little but that Washington is doing too much already. That is why in the coming weeks and months many of us will continue to press for an entirely new approach, one that puts individuals and businesses at the center of our recovery instead of Washington, one that clears away the redtape and the regulatory overreach, one that lifts the cloud of uncertainty that has been holding job creators back and enables the American people to move our economy in the direction they want instead of having it dictated to them from above by the President.

It is time for an approach that is based on the simple principle that if the American people are going to have control of their own destiny, they need to have more control of their economy. They have seen where consolidating every economic decision in Washington has gotten us. They see that folks in Washington seem to be doing just fine. Millions of Americans may have lost their homes over the past few years, millions more may owe more on their homes than those homes are worth, but home values here in Washington are going up—going up. Countless Americans outside of Washington may have seen their savings dry up or have been forced to decide between making a car repair or a tuition payment, but you would never know that here. As countless economic tragedies unfolded in homes across the country over the past few years, the Washington metropolitan area was working on a new distinction: the highest median income in America—the highest median income in America right here in Washington. I assure you, these folks aren't getting rich off of farming. While most of the rest of the country continues to struggle, Washington is booming. And that is not the kind of change people voted for 3 years ago.

So before we get into the details about what many of us believe will succeed in reigniting the economy outside of Washington, we need to be clear about what hasn't because while I have

no doubt that the President will propose many things on Thursday night that when looked at individually sound pretty good or that he will call them all bipartisan, I am equally certain that, taken as a whole, they will represent more of the same failed approach that has only made things worse over the past few years and resulted in fewer jobs than when we started.

Over the weekend, the President tested a few of the lines I expect we will hear on Thursday. His central message, evidently, is that anyone who doesn't rubberstamp his economic agenda is putting politics above country.

Well, with all due respect, Mr. President, there is a much simpler reason for opposing your economic proposals that has nothing whatsoever to do with politics, and it is this: They don't work.

We can trace these failures to the President's very first days in office. One of the first things he did upon assuming office was to direct Congress to send him the stimulus. Here was one of the single most expensive pieces of legislation Congress has ever approved. The interest payments alone were projected to cost an average of \$100 million a day. This was the President's way of jump-starting an agenda that, in his words, "began with jobs." The agenda, he said, began with jobs, and he knew some of us were skeptical it would work. That is why shortly after it became law he asked if he could come up to Capitol Hill and use his very first speech to a joint session of Congress to explain exactly what it would achieve. Here is what the President told us. The stimulus, he said, would save or create 3.5 million jobs—3.5 million jobs, he said—and ultimately that is how he will measure its success, on whether it created jobs. To reassure those of us who thought government couldn't be counted on to spend this kind of money wisely, he insisted that anyone who received it would be held strictly accountable.

Then he said something some people may have forgotten: He said the stimulus was just a first step. The primary purpose of the stimulus, he said, was to help the economy in the short term. But the only way to fully restore America's economic strength, he told us then, was through a 10-year budget that would reach into all areas of the economy that the stimulus did not.

Just like the stimulus, the unifying theme of the President's budget was more government. And once again, he felt in selling it that he needed to speak to the skeptics first. Here is what he said about that. The goal of the budget, he said, wasn't to replace private enterprise but to catalyze it, not to stifle business but to create the conditions for entrepreneurs and businesses to adapt and thrive. Well, how did that work out? As government continued to grow, the economy sputtered, and it is still sputtering. Yet the President wants to know why the people are