

The bill I just referred to, the VOW to Hire Heroes legislation, ought to be free of even a whiff of controversy. House Republicans already voted for the major components of that bill—a plan to give older veterans access to job training so they can keep up with the rapidly changing workplace and to help young veterans transition from Active-Duty service to the civilian workplace.

The bill wouldn't add a dime to the deficit, so there should be no objection there. It is paid for with a non-controversial extension of an existing fee on VA-backed mortgages. It is a version of the same bill for which House Republicans already voted. Republicans have voted for tax credits for companies that hire out-of-work and disabled veterans in the past, so that can't be the holdup. We will pass this important legislation as an amendment to a bill sent over from the House to repeal a 3 percent withholding provision from government contractors. Republicans have been chomping at the bit to pass this measure, so the House vehicle for VOW to Hire Heroes is not the source of their radio silence, I am sure.

There are no procedural or philosophical hurdles to passing this bill. But don't take my word for it, Madam President. JEFF MILLER, the Republican chairman of the House Veterans' Affairs Committee, said this about this bipartisan legislation yesterday:

Today, we are putting aside politics and putting America's veterans first. This is how the process should work. The VOW Act, which passed the House with overwhelming bipartisan support, provides the framework for this legislation and gets to the root of many of the employment problems our veterans face.

With nearly a quarter of a million Iraq and Afghanistan veterans unemployed, this legislation can't come a moment too soon. Yet Senate Republicans remain curiously silent on this legislation.

It is inconceivable that my Republican colleagues perceive this legislation to be unnecessary, but it also seemed unthinkable that Republicans would unanimously oppose legislation to create hundreds of thousands of jobs for teachers, firefighters, and construction workers.

Here is what is at stake. The number of unemployed post-9/11 veterans has gone up by 30,000 in the last year alone. Nearly 250,000 men and women who volunteered to fight overseas for the flag and the privileges and freedoms it represents can't find a job here at home. That number will only grow as the two wars draw to a close. One in five young veterans—veterans under age 25—is unemployed. On any given night, at least 75,000 veterans, including 2,500 in Nevada, sleep on the streets. They are homeless. We should all be able to agree that even 1 night is too many for our Nation's heroes to pass without a roof over their head. Young veterans are more than twice as likely as their

peers to be homeless and four times as likely to live in poverty. During tough economic times, when some young people join the military for a way to escape the cycle of poverty, this statistic is shocking and disheartening.

I call on the minority leader and the rest of my Republican colleagues to break their silence. Where do they stand on the VOW to Hire Heroes Act? I ask my Republican colleagues, do you believe we should lend a hand to those who defend our freedom? Of course. Or do you think this Nation's responsibility to its veterans ends the day they take off that uniform?

Andrew Carnegie once said that the older he got, the less mind he paid to what men say. "I just watch what they do," he said. So I remind my Republican friends that the men and women of the U.S. Armed Forces—those who wear the uniform today and those who wore it once—are watching what my Republican colleagues do.

#### RECOGNITION OF THE MINORITY LEADER

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

#### TACKLING THE JOBS CRISIS

Mr. MCCONNELL. Madam President, it has now been 2 months since the President came before Congress and outlined his plan for tackling the jobs crisis—a plan that can best be described as a rehash of the same failed policies of the past few years disguised as a bipartisan overture, a political strategy masquerading as a serious legislative proposal. The President put this plan together knowing the Republicans would oppose it. In other words, it was actually designed to fail, as the White House aides have readily admitted to reporters for weeks. This was not, I repeat, a serious effort to do something about jobs and the economy. It was a serious effort to help the President's reelection campaign by making Republicans in Congress look intransigent.

So what I have been saying for the past few weeks is let's put the political games aside. We will have time for the election next year. The American people want us to do something about jobs right now.

Well, it appears the message may be finally breaking through. I was just listening to my friend the majority leader talking about the measure before us—something we support and look forward to passing. It has been championed by Senator SCOTT BROWN of Massachusetts as something that would help contractors who do business with the government. I was also glad to see that the Veterans bill, which contains many provisions supported by Republicans, will be the first amendment. So maybe we are making some progress. This is just the kind of thing we have been calling for, just the kind of thing we

should be doing a lot more of around here because there is a lot we can agree on when it comes to jobs legislation, and that is where the focus should actually be.

While the President has been out on bus tours, Republicans in the House have been debating and passing bipartisan legislation aimed at making it easier for businesses across the country to grow and to create jobs. Over the past 2 weeks, I have highlighted some of their good work.

Yesterday, I mentioned in particular a bill the House passed just last week called the Small Company Capital Formation Act, H.R. 1070, a bill that received 421 votes, including 183 Democratic votes. Only 1 person of the entire 435-Member House of Representatives voted against the bill—just 1. And President Obama endorsed the idea contained in this bill in his jobs speech a couple of months ago. The question is, Why in the world wouldn't the Democratic majority take it up and pass it right here in the Senate? If Democrats are more interested in passing legislation that helps put Americans back to work than they are in raising taxes, they should at least work with us to pass the bills the President himself has endorsed.

This morning, I want to say again how pleased I am we will be taking up Senator BROWN's 3 percent withholding bill to help ease the burden on government contractors and that we will have a vote on and hopefully debate the Veterans bill. I would like to call on the Democratic majority in the Senate to keep it up by taking up H.R. 1070 or its bipartisan Senate companion bill, S. 1544, sponsored by Senators TOOMEY and TESTER.

Take up this legislation that has already passed the House with the support of almost everybody over there and show the American people that you care more about creating jobs than creating campaign slogans. Let's not make the bills we will be voting on today the exception but the rule around here. Why don't we just keep it up?

Right now, small, growing businesses aren't expanding their businesses through a public offering because they simply can't afford the high cost of the government paperwork they are required to manage. Instead of going out there and raising money to grow and hire, they are holding back. They are not expanding. And if they are not expanding, they are not hiring. This bill would remove some of that burden from smaller businesses and help them gain access to new capital that they can invest in their businesses and their employees.

Yesterday, I mentioned the CEO of a pharmaceutical company in Pennsylvania who says that he has a promising new drug for treating chronic kidney disease actually in the pipeline but that he can't take it to the next level because of all the regulatory costs his company is too small to afford right

now. We should be removing barriers for smaller companies such as his. Nearly 200 House Democrats agree with that, and so does President Obama. As I said yesterday, this bill is about as bipartisan as it gets. The only thing standing in the way of passing it in the Senate is the Democrats who schedule legislation around here, and the only reason they could have for blocking it is that it steps on their campaign strategy.

I think that is a mistake. I think the American people can see Republicans in the House passing all these bipartisan bills aimed at spurring job creation, and they wonder why Senate Democrats won't actually take them up.

This should be easy. They have already done the hard work of finding jobs bills that we know can pass both Chambers and that the President would probably sign. Let's take up the bipartisan companion bill of Senators TOOMEY and TESTER to the House bill—their bill is S. 1544—and let's pass it, and then let's send it to the President for his signature so it can become law.

If you are for creating jobs, you should be for this bill. As the AP put it last month:

Companies use the cash they raise to grow—and that means hiring people . . . and at a time when 14 million Americans are looking for work and the unemployment rate has been stuck near 9 percent for two years, the last thing the economy needs is for one engine of hiring to stall.

A recent report by NASDAQ of companies that went public from 2001 to 2009 found that those companies increased their collective workforce by 70 percent after making the initial public offering—a 70-percent increase in employment after making an initial public offering.

What this bill does is enable more companies to take that leap and start hiring once they have. This is the kind of thing we should be doing more of in the Senate. Let's put the partisan bills aside and let's focus on bipartisan legislation. Instead, why don't we shoot for success.

#### DETAINING ENEMY COMBATANTS

Last week, the White House announced that Prime Minister Nouri al-Maliki of Iraq will be meeting with the President here on December 12. This meeting comes at an important time, as our own military forces will be drawing down their presence within Iraq, and the future of our bilateral security relationship remains very uncertain. But our withdrawal from Iraq raises another important matter I hope the President will raise with Prime Minister Maliki and which highlights some of the difficulties that will result from the military drawdown there, and eventually in Afghanistan, as well, both of these drawdowns the President has ordered. What I am referring to is the law of war detention.

In July of this year, Senate Republicans wrote to Secretary of Defense Panetta concerning the custody of Ali

Mussa Daqduq, the senior Hezbollah operative currently in our joint custody in Iraq. Daqduq is in joint custody in Iraq between the United States and the Iraqi Government.

In 2005, Daqduq was directed by senior Hezbollah leaders to travel to Iran, where he trained Iraqi extremists in the use of explosively formed penetrators, mortars, and other terrorist tactics. Among other things, Daqduq is suspected of orchestrating a kidnapping in Karbala, Iraq, 4 years ago that resulted in the murder of five U.S. military personnel. It is a safe bet that if Daqduq is transferred to Iraqi control, he will return to the fight against the United States. President Obama should insist in his meeting with Prime Minister Maliki that U.S. forces retain custody of Daqduq and transport him to the detention facility at Guantanamo Bay.

The detention of Daqduq touches on three important issues in the ongoing war on terror. First, with the withdrawal of our military presence from Iraq, the United States will lose the ability to detain enemy combatants such as Daqduq in Iraq. Current plans are for the U.S. military to have completed our transition to the security forces of Afghanistan by the end of 2014, and we should expect that we will lose the ability to detain enemy combatants there as well. Our military commanders in Afghanistan should therefore anticipate losing the ability to detain enemy combatants by that date. As we saw in the capture of Abdul Warsame, the Somali terrorist accused of providing materiel support to al-Qaida in the Arabian Peninsula and Al Shaabab and detained on a U.S. Navy ship at sea, there remains a strong likelihood that our military and intelligence community will need a secure detention facility to house these foreign fighters. The issue is, what are you going to do with them.

Rather than being kept in military custody overseas, Warsame was flown to the United States and placed in the civilian system. But the logical place for long-term or indefinite detention of foreign fighters such as Warsame is not on a ship at sea or in our private prison system but rather, as I have said many times before, at the secure detention facility at Guantanamo.

Second, it is worth noting that the Obama administration has tied its own hands in the matter of indefinite detention of enemy combatants. The administration's plan to buy a prison in Illinois for conversion to a military detention facility makes clear that the President does not oppose law of war detention. He is fine with bringing foreign fighters into the United States and indefinitely detaining them in military facilities inside our borders, and yet he opposes detaining them indefinitely at the military facility in Guantanamo, where they will benefit from humane treatment but they won't enjoy the legal rights of detainees who are brought here, including the possibility of release into the United States.

Third, the Executive orders signed by the President in January in 2009 were issued with an eye toward fulfilling candidate Obama's campaign promises, rather than after conducting a serious review of sound counterterrorism policy. Now, 3 years after taking office, the President has had enough firsthand experience dealing with terrorism to know that many of the terrorists held at Guantanamo can't be sent back to places such as Yemen, where they are likely to return to the fight. But the President's own Executive orders have denied our military commanders and our intelligence community the certainty they need when they capture, detain, and interrogate terrorist suspects. His early Executive orders, for instance, ended the CIA's detention program and directed the closing of Guantanamo. The order to close Guantanamo makes little sense.

It is not Republicans who are tying the President's hands in prosecuting the war on terror. He did that himself with the shortsighted Executive orders he signed during his first days in office. As our country withdraws from Iraq and transitions further responsibilities to the Afghan security forces in Afghanistan, we will need a place to send foreign fighters such as Warsame and Daqduq. That place is the military detention facility at Guantanamo Bay in Cuba.

In his discussions with Prime Minister Maliki, the President should, of course, discuss the role the U.S. military will play in Iraq after the end of this year and how our two countries can work together to preserve the gains made through the sacrifice of so many brave Americans, and to combat Iranian influence. But in addition to these important matters, the President should also insist that the Prime Minister retain custody of Daqduq and send him to Guantanamo as soon as possible.

Madam President, I yield the floor.

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#### RESERVATION OF LEADERSHIP TIME

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

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

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#### MILITARY DRAWDOWN IN IRAQ

Mr. DURBIN. Madam President, I listened carefully to the statement made