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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 29, 2011, at 2 p.m.

## Senate

MONDAY, NOVEMBER 28, 2011

The Senate met at 1 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.

Mighty God, as we convene the Senate today, after a time of thanksgiving, please give every Member of this body a desire to bring great honor to You. As significant issues are discussed in this Chamber, let there be cordiality and civility, wisdom and courage, humility and faith.

Lord, make our Nation a shining example of positive compromise and constructive cooperation. Bring to each one serving on Capitol Hill the wisdom to see what can be done for the good of our Nation and world when Your ways become our ways.

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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 28, 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

### RECOGNITION OF THE MAJORITY LEADER

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

### ORDER OF BUSINESS

Mr. REID. Mr. President, I see the two managers of the Defense bill are on the floor today. The Republican leader is going to be here in a few minutes to give a speech. I am going to give one, but it should not take long. Then we can get to the bill.

### RESERVATION OF LEADER TIME

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

The majority leader.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 1867, the Defense authorization bill. At 5 p.m., the Senate will be in executive session to consider the nomination of Christopher Droney to be a U.S. circuit judge for the Second Circuit. At 5:30 p.m., there will be a vote on that nomination.

### PAYROLL TAX CUT EXTENSION

Mr. REID. Mr. President, I trust that the Acting President pro tempore and all of our staff, everyone in this great Capitol complex, had a safe and happy holiday. I hope everyone is well rested because we have a difficult work period ahead of us. We have much to do over the next few weeks with the Hanukkah and Christmas holiday quickly looming ahead.

This week we need to finish the work on the Defense authorization bill and even more. This month we will also handle a number of nominations and extend unemployment insurance for Americans still struggling to find work during these difficult times, and we have more appropriations work to do.

The continuing resolution to fund the government expires on December 16. We must not neglect the responsibility to continue our work to put

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



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Americans back to work. So we will take up additional pieces of President Obama's American Jobs Act.

This week we will introduce legislation that would give the economy a boost by putting money back in the pockets of middle-class workers and small businesses by extending and expanding the popular payroll tax cut. More than 120 million families took home an extra \$120 billion this year thanks to this payroll tax cut we championed. The average family held on to more than \$935 of their hard-earned dollars this year. We need to assure those families they can rely on that tax cut next year as well. This legislation does more than just protect the tax cuts Americans already count on; it deepens and expands that tax relief as well.

Next year, 120 million American families will keep an average of \$1,500 because of this legislation. That means they will have more money to spend on essentials such as gas and food and buy things that will help spur economic growth in their communities.

Businesses will also benefit from this tax cut. Ninety-eight percent of American businesses will see their payroll taxes cut in half on their first \$5 million of wages that they pay.

In Nevada, 50,000 businesses will benefit from this tax cut and many businesses will save tens or even hundreds of thousands of dollars. So this legislation will help families and businesses while spurring hiring and giving the economy a boost. It will be fully paid for with the small 3.25-percent surtax on income over \$1 million. So a person who makes \$1 million a year won't pay an extra penny. Someone who makes \$1.1 million—that is an extra \$100,000—will pay \$3,250 more than they would have originally.

At a time when many working families are still struggling, we cannot afford not to extend and expand this important payroll tax cut. So I was disappointed to hear from some of my Republican colleagues, specifically the junior Senator from Arizona, who have already come out in opposition to this tax cut. I think it is fair to say that all Republicans have not, but my friend from Arizona did. This is wrong.

Those who loudly claim to care about keeping taxes low, too often it seems they only care about keeping taxes low for the richest of the rich. The same Republicans who today oppose a payroll tax cut for hundreds of millions of businesses and families last week jettisoned the hopes of a large-scale deficit reduction deal in the supercommittee because they insisted on massive, permanent tax giveaways for the rich. Cutting taxes for the middle-class families and businesses should be an area where Republicans and Democrats can find common ground, as we have in the past.

The opposition by Republicans is because this tax cut has President Obama's fingerprints on it. It was his idea. Republicans will not support it

even though they know it is good policy for American families and businesses. Let's hope that is not the case for all of my friends.

Let's examine the effects of their purely political opposition to a commonsense tax cut. If Republicans block passage of this legislation, they will take money out of the pockets of American families. That is clear. For a family making \$50,000 a year, this proposal we talked about would not only preserve an existing \$935 tax break, it would put an additional \$565 a year in the family coffers. If the Republicans get their way, that family will actually see its tax increase by \$1,000.

If Republicans block this legislation, 120 million American families and 98 percent of American businesses will not get the tax cut next year. Instead, 120 million families and millions of businesses will be hit with a tax increase. Those numbers are startling. They are shocking. But the potential impact on the larger economy is downright scary.

Economist Mark Zandi of Moody's said the economy will likely plunge back into a full-blown recession—erasing the economic progress we have made—if we don't extend that cut.

It is clear neither our fragile middle class nor our fragile economic recovery can afford the kind of setback a failure to extend and expand these would bring. Republicans say we cannot afford to raise these taxes. If they choose to oppose this payroll tax cut, we will know what they meant to say was: We cannot afford to raise taxes on the rich. In fact, more clearly, we cannot afford to raise taxes on the rich, but we are happy to raise taxes on the middle class.

Mr. President, please announce the business of the day.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall of Colorado amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, AK.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shaheen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.