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Senate

The Senate met at 2 p.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

God, our King, You are clothed in majesty and strength. Your throne has been established from the beginning and You existed before time began.

Help our lawmakers today to do their work, striving to labor for Your glory. Give them the purity of life and honesty of purpose to walk in Your way. Lord, strengthen their heart and mind that they may worthily measure up to the role You have ordained for them. Thus, may they fulfill their vocation to the glory of Your Name and the advancement of Your kingdom.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, December 12, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from

the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS 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 leader remarks, the Senate will be in a period of morning business until 4:30 this afternoon. Following morning business, the Senate will be in executive session to consider the nominations of Norman Eisen to be Ambassador to the Czech Republic and Mari Aponte to be Ambassador to El Salvador.

At 5:30 p.m. there will be at least two rollcall votes in relation to the nominations.

NOMINATIONS

Mr. REID. Mr. President, today the Senate will vote on two nominations: those of Norman Eisen to serve as Ambassador to the Czech Republic and Maria Carmen Aponte to serve as Ambassador to El Salvador.

These two Ambassadors are in their positions as we speak, having been given recess appointments. These nominees are accomplished, qualified public servants who will continue to represent their Nation with distinction. For my Republican colleagues, however, being qualified and dedicated doesn't seem to be enough anymore. Last week, they blocked the nomination of a brilliant legal mind, Caitlin Halligan, to the U.S. Court of Appeals for the District of Columbia. Obviously, they don't mind there are these

vacancies because Republicans were in the majority in that court. So they wanted to defeat this competent woman, and that is what they did with these vacancies still there in that court.

They blocked the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau, despite his obviously deep qualifications for the job. He has a long history of protecting the middle class against unfair practices by financial predators and he would have been a great asset in our fight to protect Main Street from the kind of Wall Street greed that caused the 2008 financial crisis. Yet Republicans denied Mr. Cordray's nomination—I should say confirmation—and all it does is weaken the agency he was nominated to lead.

I hope Republicans will not turn every confirmation process into a political three-ring circus. The candidates today, Mr. Eisen and Ms. Aponte, have jumped through enough hoops already. Ms. Aponte's accomplished record as Ambassador to El Salvador over the past 15 months speaks for itself. Experts in the region from across the political spectrum support her confirmation. The same enthusiasm is there for Ambassador Eisen. If Republicans block the confirmation of these excellent, qualified candidates, it will only be for nakedly partisan reasons.

PAYROLL TAX CUT EXTENSION

Mr. REID. Mr. President, also under partisan assault this month is a Democratic proposal to grant a \$1,000-tax decrease on working families.

Senate Republicans have blocked four proposals to protect middle-class pocketbooks. Every hour they delay and every day they filibuster is one more the Senate, by necessity, will have to stay in Washington to get its work done.

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



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Republicans have opposed our plan to pay for this legislation with a tiny surtax on a tiny fraction of America's highest earners. The tax would only apply to the second or third or fourth million the wealthiest Americans make. But Republicans say the richest of the rich in our country—even those who make millions every year—shouldn't contribute more to get our economy back on track. They call our plan, time after time, a tax on job creators—and I say so-called job creators—because every shred of evidence contradicts this red herring.

For example, there have been many outlets, but I will concentrate on one: National Public Radio went looking for one of these fictitious millionaire job creators. A reporter reached out to business groups, the antitax lobby, and Republicans in Congress hoping to interview one of these millionaires. Days ticked by with no luck. Many of our job creators are similar to unicorns; they are impossible to find and don't exist. That is because only a tiny fraction of people making more than \$1 million—probably less than 1 percent—are actually small business owners, and only a tiny fraction of that tiny fraction is a traditional job creator. Most of these businesses are hedge fund managers or wealthy lawyers. They don't do much hiring and they don't need more tax breaks.

One reporter looked for millionaire job creators hiding on Facebook. This time they found a few, and they actually supported our plan. These people on Facebook actually supported our plan to ask the richest of the rich to pitch in to improve the economy for all Americans. This is what Jason Burger, owner of a contracting company that is hiring like crazy, said:

It's only fair that I put back into the system. That is the entire reason for my success.

Mr. Burger may be a millionaire, but he is not one in a million. The majority of people who make more than \$1 million a year say they would gladly contribute more to improve the economy.

It is often said that what is good for business is good for America. I hope my Republican colleagues will remember, as Mr. Burger does, what is good for America is also good for business.

RECOGNITION OF THE MINORITY LEADER

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

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

Mr. McCONNELL. Mr. President, later this week Senators will have an opportunity to do three big things with a single vote.

By voting for the Middle Class Tax Relief and Job Creation Act that will soon come over from the House, Sen-

ators will be able to extend the temporary tax relief working Americans continue to need nearly 3 years into this administration, prevent more job losses in the middle of a jobs crisis by blocking a new regulation on U.S. manufacturers, and facilitate the creation of tens of thousands of new jobs through the construction of the Keystone XL Pipeline. One vote, three accomplishments. That is to say nothing of the other things the bill would do such as the doc fix and unemployment insurance.

My suggestion is that once this legislation comes over from the House, we pass it without delay. Based on the merits of the bill, it should be a strong bipartisan vote. Nothing could be more bipartisan right now than preventing job loss or facilitating the creation of new private sector jobs.

The President has said job creation is his top priority. Here is a bill that helps him achieve it without a dime of taxpayer money. The President says he wants to extend the payroll tax extension. Here is a bill that does it. The President says he wants unemployment insurance extended. This bill does that. The President says he wants the two parties to compromise. This is it. There is no reason this legislation shouldn't have the President's enthusiastic support.

The only reason—the only reason—for Democrats to oppose this job-creating bill would be to gain some political advantage at a time when every one of them says job creation is a top priority.

Here is what the junior Senator from West Virginia, a Democrat, had to say just today about the pipeline measure contained in the House bill:

I'm for the Keystone Pipeline. All the trade unions, everyone's for it. It creates thousands of jobs.

I couldn't say it better.

The House actually had a stand-alone vote on the Keystone XL back in July. Forty-seven House Democrats voted for it. I would suggest to my friends on the other side that they join with us and close out the year on a bipartisan note.

The Middle Class Tax Relief and Job Creation Act was written to appeal to both parties, and I have yet to hear anyone on the other side offer a single good reason for opposing it. So far, the only reason Democrats have given for opposing this bill is that they would rather extend the payroll tax cut on its own without adding language about a pipeline that many of them say they support anyway. So evidently they would vote for both these things separately but not together. That makes absolutely no sense.

Look, you are either for this pipeline project and the jobs that would come with it or you are not. If you are for it, there is no reason to oppose it just because it is not offered as a stand-alone measure. That doesn't make any sense.

It is time to stop the posturing. Here is a bill that contains top priorities from both sides. Let's take it up and

pass it without any more theatrics. Let's pass this job-creating bill and give Americans the certainty and the jobs they deserve.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. McCONNELL. 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. DURBIN. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

USE OF THE FILIBUSTER

Mr. DURBIN. Mr. President, last week, the highlight of the Senate was two Republican filibusters. Those are efforts by the Republicans to demand 60 votes for the Senate to take action. It used to be rare. In fact, it was so rare that Jimmy Stewart made a movie about it: "Mr. Smith Goes to Washington." My colleagues may remember it. It wasn't this Chamber, but it looked a lot like it, and Jimmy Stewart was at a desk in the back row because he was a freshman Senator and he literally spoke until he dropped, physically, but he won the argument, won the day—a great triumph in Washington. He used the filibuster effectively to stop what he thought was a greedy move, a selfish move by his colleagues.

That is the movies. What is real life? Real life is when a Republican Senator says: I declare a filibuster and I will see you later; I am going out to dinner.

That is how it works around here. If we had a few more Jimmy Stewart moments on the floor, where those who are pushing for a filibuster—an exceptional, extraordinary 60-vote margin—had to actually stay on the floor and argue their point, I think they would go away. That is because 9 times out of 10, 19 out of 20, maybe even more, it turns out there is no solid basis for what they are doing.

What they did last week with their filibusters was to stop a woman from