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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Eternal and ever blessed God, strengthen our Senators today to walk in Your steps. Help them to walk in Your humility so that they will strive to serve. Help them to walk in Your courage so that nothing will deflect them from the path of integrity. Help them to walk in Your endurance so that discouragement will not hinder them from reaching laudable goals. Help them to walk in Your loyalty so that nothing will destroy their devotion to You.

Lord, place Your truth in their minds, Your love in their hearts, and Your kindness on their lips.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, December 14, 2011.

To the Senate:

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

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half.

Following that morning business, the Senate will resume consideration of S.J. Res. 10 and S.J. Res. 24. Both of these resolutions regard the balanced budget amendment. At approximately 10:45, there will be two votes on those resolutions.

We also hope to consider the Department of Defense authorization conference report today as well as the House Republican payroll tax bill.

PROTECTING MIDDLE-CLASS WORKERS

Mr. REID. Madam President, this has become a familiar scene on Capitol Hill. As time ticks down to the wire, the House has sent the Senate yet another bill that will not pass. Meanwhile, American families stare down a \$1,000 tax increase, and on January 1

they will be scrambling to afford the necessities because of Republican obstructionism that Americans don't understand.

It has become the Republican fall-back play: Waste precious time catering to tea party extremists when they could be working with Democrats to compromise.

Republican leaders have already spent weeks drumming up tea party support for legislation they knew was dead on arrival in the Senate. Now it is time to get this vote over with so real negotiations can begin to prevent a tax increase on 160 million middle-class Americans.

This morning I will ask unanimous consent to vote on the House-passed bill. Democrats were ready to vote on this legislation last night, but I can't set a vote at this time under Senate procedures without Senator MCCONNELL's approval. Even though we already knew the bill was dead, Senator MCCONNELL wasn't ready to hold a vote on it last night.

That is an about-face from just a few hours before—even as recently as yesterday morning, Tuesday morning—and on Monday, for example, when Senator MCCONNELL urged us to take up the House bill as soon as possible.

This is what he said:

My suggestion is that once this legislation comes over from the House, we pass it without delay.

That is what I tried to do last night—not pass it but at least have a vote on it.

Senator MCCONNELL repeated that call yesterday morning—Tuesday morning. Here is what he said yesterday morning:

I would suggest that our friends put the political games aside and give the American people the certainty and the jobs that they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President . . . without theatrics and without delay.

Then yesterday afternoon Senator MCCONNELL said:

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



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The first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed.

So I say to my friend the Republican leader let's find out whether he has the votes in the Senate to pass what the House has passed. Let's vote on this now. We knew Monday the bill wouldn't pass the Senate, we also knew yesterday this bill wouldn't pass the Senate, and we still know it will not pass the Senate.

Here is why this legislation is a non-starter. I will give 3 of about 33 reasons: The bill cuts unemployment benefits for 1 million Americans at a time when there are not jobs for one out of every four people seeking work. It weakens safeguards that keep our air clean and our children healthy, and the President has already threatened to veto it. In fact, he said he will veto it.

Legislation written to appeal only to the extreme rightwing of the Republican Party can't pass the Senate. Republicans will see that again, whenever they allow us to vote on this legislation that my friend, the Republican leader, said let's vote on right away. Right away was last night.

So let's get this vote over with. Then we can begin serious negotiations on how to prevent a \$1,000 tax hike on American families. The sooner we put this useless, partisan charade behind us, the sooner we can negotiate a true bipartisan solution that protects middle-class workers.

Madam President, there has been a lot of talk about let's get to the omnibus, and let's pass it. However, it is not complete. There are major issues. We have made significant progress. There are still critical issues to be ironed out. There are issues that deal with foreign policy. There are issues that deal with the environment. There are issues that deal with—we have about seven or eight—what some would refer to as game stoppers. We could complete that work, but it is something that is not done now.

There is no reason, while that work is continuing, to hold up the middle-class tax cut. Congress is not going to go home for vacation—remember, the bill that some want to pass, the omnibus bill, takes care of us, it takes care of legislators. It has Legislative Branch appropriations in it. So we shouldn't go home until we finish the business of the American people.

Preventing a \$1,000 tax increase on American families is the most pressing business we have, and we are not going to allow Republicans in Congress to take care of themselves without taking care of middle-class families as well.

We hope to complete this important work soon—this week. If we can't, we should pass a short continuing resolution to keep the government open while we work through each compromise. We have passed short-term CRs many times before, and we should do it again if that is what it takes to prevent a tax on the middle class.

The bottom line is this: It is time for the two sides to come together and

compromise. As I told the Speaker Monday and as I spoke on the floor yesterday and I have said this to my friend the Republican leader the House can't pass legislation that will succeed over here unless they get Democrats to support their legislation. We cannot pass legislation here because of how the Republicans have set not a majority rule but we have to get 60 votes. We can't get 60 votes unless we get Republican assistance. So we need to compromise. Legislation is there to compromise, but it might take a little more time. Republicans should give Congress a few more days to finish its job rather than rushing home for vacation.

I have already talked about the importance of doing this legislation as quickly as we can. I think it is extremely important, and we understand that it could be done—the vote could take place, and it would take 20 minutes to do that.

UNANIMOUS CONSENT REQUESTS

Mr. REID. Madam President, I ask unanimous consent that following the two scheduled votes in the Senate, we proceed to the consideration of H.R. 3630, which is the House-passed legislation—the House-passed legislation that, out of 435 Members of Congress, got 10 Democratic votes—that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to a vote on passage, and that the vote on passage be subject to a 60-vote threshold—which my friend, the Republican leader, seems to believe is the standard around here anymore—further, that if the bill is not passed, it remain the pending business, and that following I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader.

Mr. McCONNELL. Madam President, reserving the right to object, our most immediate concern at this point is that despite Federal funding expiring 2 days from now—Friday night—my friend the majority leader is blocking action on the funding bill to keep the government open. That is our most immediate concern, and we should address it first because the deadline is literally just 2 days away. That comes first.

My good friend the majority leader has said shutting the government down would be extreme and that it is too risky to even entertain, and that issue is just 2 days away. Everyone knows the truth is that the bill would fund our troops, our border security, and the remaining funding for the rest of the fiscal year, and it is ready to go. They were prepared to sign the conference report earlier this week until leadership on this side said don't sign the report.

There is agreement on the funding bill but no agreement and no plan at all about how we are going to pass the

payroll tax cut extension in the Senate. So we ought to finish our most immediate concern first.

Let me repeat that our friends across the aisle have no plan, and some might suggest no desire, to pass a payroll tax cut extension—the President's top priority—extend unemployment insurance or ensure seniors' access to medical care. They have made no attempt at all to produce a bill that can pass the Senate. It is their responsibility in the majority to do that. Instead, we have wasted week after week after week on one senseless show vote after another—votes that one member in the Democratic Senate leadership recently admitted were designed solely to score points on millionaires.

So let's deal first with the deadline that happens this Friday, 2 days from now—fund the government through the rest of the fiscal year—and then turn immediately to the payroll tax extension that expires later in January, and let's pass the job-creating and job-saving measures the House has passed.

Therefore, Madam President, I ask unanimous consent to modify the majority leader's request to say as follows: that the Senate would turn to the consideration of the House bill relating to the payroll tax repeal extension immediately after the Senate passes a conference report or a bill received from the House that funds the government through the end of the fiscal year.

The ACTING PRESIDENT pro tempore. Does the majority leader so modify the request?

Mr. REID. Reserving the right to object, my friend is living in a world of nonreality. Let's look for a way out.

The House of Representatives, which has a significant majority of Republicans, last week couldn't even pass a bill. That was in all the press. They couldn't get the votes. So what they did, in an effort to placate the far right so they could pass a bill with Republican votes, they stuck in a bunch of issues that are hard to comprehend—issues dealing with the environment that have nothing to do with this bill. Even a Republican Senator said that bill, standing alone, looks OK, but jammed in with everything else it doesn't look so good. They should be separate issues.

We have issues on the so-called omnibus or spending bill that have not yet been resolved, one dealing with Cuba, a very important piece of legislation in the minds of many Senators. One of the Senators who believes so strongly that this provision should be taken out is a Republican Senator from Florida. We have issues dealing with the environment which are extremely important: light bulbs, coal, and many other issues that haven't been resolved in this so-called omnibus.

So, Madam President, I think everyone can see very clearly that my friends on the other side of the aisle obviously want to have the government shut down.