

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.

As I have said before, and I will say again, they have had experience doing this. The presumptive Republican nominee Newt Gingrich tried that once and it didn't work so well. So I don't think it is going to work very well again. Everyone knows why the government is going to shut down, if, in fact, it does.

We have 160 million Americans who are out there cheering for us—cheering for us—that we can get them the tax relief they deserve. We have well more than 1 million Americans who have been out of work for a long period of time who are cheering for us. We have businesspeople out there who are cheering for us, that there are certain tax benefits that are important to creating jobs that we need to do before we leave here.

So, Madam President, I object and ask unanimous consent that if the Senate receives from the House a bill that continues funding for the Federal Government through December 21, 2011, it be in order for the majority leader, in consultation with the Republican leader, to proceed to the bill; further, that the bill be read three times and passed, all with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Objection is heard for the first request.

Is there objection to the second request?

Mr. MCCONNELL. Madam President, I am not sure what the majority leader just said.

Mr. REID. Madam President, what I said is, I ask that if we get a bill from the House to have a CR, a continuing resolution, for another few days, that we be allowed to take it up. Under the rules of the Senate and the Congress, I cannot initiate a CR here. It is a tax measure and constitutionally has to start over there. So I have said that if the Senate receives from the House a bill that continues funding for the Federal Government—I said through December 21—any reasonable time is fine with me—it be in order for me, after I talk to the Republican leader, to proceed to the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, we do not need to do that.

Representative JIM MORAN, Democrat of Virginia, one of the top members on the House Appropriations Committee, said this yesterday:

Our bill is done, and it should go to the president immediately. . . . We're not holding it up. . . . I can't speak for HARRY REID. I can't speak for him. As far as I'm concerned, it should be done.

A government shutdown is 2 days away. We have an agreement based on what all the appropriators on the conference report are saying. We can pass that and do first things first—prevent a government shutdown. I agree with the majority leader, a government shutdown is a terrible idea. He has said that repeatedly. We have all said it repeatedly. The way to avoid that is to

get our work done. The work is done on the appropriations conference report. We ought to get signatures on it, and we ought to pass it, and we ought to do it in the next 2 days.

Now, Madam President, there were a series of other competing UCs here, and I am a little confused as to where we are.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. I object to that one, by the way, the last one we were discussing.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I know Congressman MORAN. He is a fine man who has been in Congress many, many years. But he should step over here and talk to Senator MENENDEZ or MARCO RUBIO and see how they feel about Cuba and the language in that bill that changes things in relation to how they feel, which dramatically changes our relationship with Cuba, or how about the chairman of the Environment Committee, BARBARA BOXER. See how she feels about going back, in effect, to some saying the Dark Ages, changing lightbulbs, or how about dealing with other environmental issues, dealing with coal. How about talking to some of the other Senators on that committee.

The bill is not complete. I think we could complete it very quickly if people sat down and focused on what we need to do to get out of here. But now it has not been completed. I do not care what JIM MORAN says or what MITCH MCCONNELL says, the bill is not completed.

But, Madam President, what is obviously extremely clear, which is extremely clear here, my friend the Republican leader has talked for days—I went through what he said on Monday, what he said on two separate occasions on Tuesday: Let's vote on this bill now. That is what he said. It is obvious that something has happened in the last few hours that suddenly they do not want to vote on their own bill.

Keep this in mind: The House has passed a bill that I have said and non-Democrats have said is a dead duck, DOA, dead on arrival. It is here. It is dead. And they do not want to vote on it. Do you think maybe they do not want to vote on it because Republican Senators are kind of embarrassed or ashamed of what is in that bill? I would think so.

Mr. MCCONNELL. Madam President, I would say, speaking of embarrassment, it is that we are doing an omnibus again. The reason we are doing an omnibus again here on the eve of Christmas is because we have not passed our appropriations bills. We have had almost as many show votes in the Senate this year, roughly an equal number of show votes—in other words, designed to fail, to go nowhere, to present a talking point for the President in his campaign—as we have had

votes on real bills that we are supposed to pass.

So here we are once again. Three years this Democratic Senate has not passed a budget. Three years we have ended up either in omnibus or CR situations. And here we are again.

Now the appropriators in the House and Senate have labored long and hard. A couple days ago, they said they were ready to sign the report. My good friend the majority leader and the President said: Don't let them sign the report. We might actually have to pass the bill—a mysterious strategy to me.

All I am saying here is, first things first. If the majority leader is convinced the House-passed bill is DOA, why doesn't he start talking to the Speaker about how we might actually craft a bill that can pass both the Republican House and the Democratic Senate and quit wasting our time here in the Senate scoring points? A government shutdown is 2 days away.

So first things first. Let's keep the government from shutting down. These other measures do not expire until the end of the month. If the majority leader is correct that the House bill will not pass the Senate, why doesn't he talk to the Speaker and work out something that can pass on a bipartisan basis because, regrettably, I would say to my friend the majority leader, the Republicans control the House. The Democrats control the Senate, unfortunately, from my point of view. This has to be worked out.

The last time I looked, Christmas is a week from Sunday. Time is a-wasting. We have fiddled all year long—all year long, one point-scoring bill after another, designed to fail, designed to divide us, designed to get no result, to give the President a talking point out on the campaign trail—and here we are, a few days before Christmas, and the silliness continues.

Now, if my friend the majority leader is so convinced the House-passed bill cannot pass the Senate, I would say again, talk to the Speaker and work out something that can pass both the House and the Senate. Time is a-wasting.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, talk about a diversion—that is what we just heard. My friend the Republican leader has talked from the very beginning of this Congress that his No. 1 goal is to defeat Obama for reelection. That is not looking so good. Romney is stumbling, Gingrich is plodding along, heading now everywhere.

But, Madam President, because the Republican leader has caused us—because we have the rules in the Senate, which I accept—has caused us to focus all of our attention on my friend trying to make sure the President is not reelected, we have spent months and months on things that were ordinarily done just like that.

Funding the government—we had numerous CRs for very short periods of

time. Finally, we were able to get that done. Then came the debt ceiling, and we spent 3 months on that—3 months of wasting time here in the Senate. Never have we done that. As I indicated and has been spread on the record of this body many, many times, under Ronald Reagan, the debt ceiling was raised 18 times just like that.

Also, Madam President, anyone who understands Washington—and there are a lot more people who understand Washington than the people who are in this Chamber—my friend says: have him—me—go deal with the Speaker. Well, the issue there is kind of stunning how my friend has said this: Go talk to the Speaker. Everyone knows the Speaker cannot move forward with any negotiations until this bill is defeated here, period. Obviously, that is the case. The Speaker cannot negotiate with me until this bill is killed.

So I repeat, the spending bill my friend the Republican leader complains about is not completed. The issue facing the American people is whether they are going to have tax relief the Democrats want to give them or whether they are going to face a shutdown that was first made very unpopular by Newt Gingrich. And there is going to be another one that will be just as unpopular.

The ACTING PRESIDENT pro tempore. The original unanimous consent is still pending.

Is there an objection?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. We will both object, just for good measure—a bipartisan objection.

Would the Chair announce the business of the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half of the time.

The Senator from New York.

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I just listened with great eagerness to the discussion between the majority leader and the Republican leader, and I would like to make two points here and then several subsidiary points.

We need to do two things before we leave: We need to fund the government in a reasonable and rational way, and we need to help the middle class get tax relief because the middle class is suffering. We need to do both. As Leader REID said, to do both, you need both Democrats and Republicans to agree. If you try to do one without the other, you will not get anything done.

So last night Speaker BOEHNER sent a bill on middle-class tax relief that was

such a Christmas tree that we knew it could not pass. And he knew it could not pass. We know why he did it. He did it because he could not get enough Republican votes in his caucus without all of these killer amendments to get it through. He could not get it through without those amendments.

So the Republican leader says: Well, if we know it cannot pass, why don't we start negotiating? There is one point here. We do not have to convince Speaker BOEHNER to start negotiating. He knows that. But we have to convince the hundred votes in his caucus who do not believe we should give middle-class tax relief, who are wedded to these amendments that will kill the bill here in the Senate because they are so unpalatable. It is not 1 or 2 amendments; it is 10 or 12 or 15 amendments. We need to show those hundred that this bill cannot pass.

We have to give middle-class tax relief, and we have to fund the government. So why wouldn't we vote on it now, dispose of it, and move on with the ultimate negotiations which will talk in tandem about funding the government long term and middle-class tax relief?

Now, why don't our colleagues on the other side of the aisle want to vote on that proposal? Is it because they fear embarrassing defections from their own side—defections that would show once again how too many Republicans in the Senate do not want to extend middle-class tax relief no matter what is attached to it? That is not a good reason.

What are we waiting for? The House bill is on a road to nowhere, so let's let the air out of the tires, and then we can move on. We all know how it is going to end—not with either Chamber imposing its will on the other but with a negotiation. So let's remove this bill from the floor, give Speaker BOEHNER some of the freedom he may need to negotiate, and get this all done.

As, again, Leader REID said—and he said it so well—we cannot pass the bills without both Democratic and Republican votes in the House and the Senate. Negotiating to come to an agreement makes ultimate sense.

I heard the Republican leader say: Well, the government runs out by Friday. There is an easy way to deal with that, which Leader REID asked for in a unanimous consent request and was rejected: fund the government for a short period of time.

So the logic here is to do three things: Vote on this bill. Put it aside. Fund the government for another short period of time. And then negotiate in earnest and produce both things America needs: an omnibus funding resolution that funds the government that has been worked on very hard by the Appropriations Committee—deal with the outstanding issues in that proposal. There are still serious outstanding issues. Anyone who has been around here knows that issues such as Cuba and the environment and abor-

tion in DC are not easy to settle and have not been settled yet.

So we kill the bill the House sent to us—we vote on it. It will die. We know it does not have the votes. It probably does not have even the unanimous support on the Republican side. I would bet that is pretty likely. We do a short-term CR. We fund the government for a period of time. And we have earnest negotiations that will produce both middle-class tax relief and a funding resolution for the government. We should negotiate the two measures together because, as the leader said, you cannot pass them without both Democratic and Republican votes in either Chamber. Obviously, in this Chamber, there are not 60 votes without Republican support. And in the other Chamber—because too many people are against even the agreement, too many on the Republican side are against the agreement we had for \$1.04 trillion in spending—they will need Democratic votes.

Mrs. MCCASKILL. Madam President, could I ask a question of the Senator from New York through the Chair?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. MCCASKILL. I am confused. The House passed a bill last night and has sent it to the Senate. Correct?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. This is a Republican bill?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. And we are ready to vote on it?

Mr. SCHUMER. We are.

Mrs. MCCASKILL. And the Republicans will not let us vote on it?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. I am confused.

Mr. SCHUMER. So are we all.

Mrs. MCCASKILL. Why would the Republicans not let us vote on their bill?

Mr. SCHUMER. One of the theories is that there is dissention even on that bill among the Republican side, as there was on the previous bill that had middle-class tax relief in it.

Mrs. MCCASKILL. That is why we vote, to determine whether there is dissention.

Mr. SCHUMER. Agreed. The Senator from Missouri is exactly correct. If we voted, it would move the process of both funding the government—very important—and getting middle-class tax relief—also very important—forward.

Mrs. MCCASKILL. Well, I would certainly urge every single Senator, be they Democrat or Republican, to come to the floor and ask the question: Why are we not voting today on the bill that was passed by the House? We are ready to vote. You know, the American people do not get this game. The bill was passed in the House. Why are we not voting? Why is the Republican Party blocking its own bill?

Mr. SCHUMER. The Senator from Missouri is, as usual, thoughtful, politically astute, and right down the middle moderate. It makes no sense to block it. It is holding up progress, particularly because the Republican House