

Udall (NM) Webb Wicker
Warner Whitehouse Wyden

NAYS—2

DeMint

Vitter

NOT VOTING—2

Rockefeller Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 87, H.R. 1249, the Leahy-Smith America Invents Act:

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Joseph I. Lieberman, Richard Blumenthal, Charles E. Schumer, Amy Klobuchar, Robert Menendez, Jeanne Shaheen, John F. Kerry, Mark Udall, Mark R. Warner, Ben Nelson, Jeff Bingaman, Max Baucus, Mark Begich, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1249, an act to amend title 35, United States Code, to provide for patent reform, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

Akaka	Brown (MA)	Coons
Alexander	Brown (OH)	Corker
Ayotte	Burr	Cornyn
Barrasso	Cantwell	Crapo
Baucus	Cardin	Durbin
Begich	Carper	Enzi
Bennet	Casey	Feinstein
Bingaman	Chambliss	Franken
Blumenthal	Coats	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan

Harkin	Lieberman	Roberts
Hatch	Lugar	Sanders
Heller	Manchin	Schumer
Hoeven	McCain	Sessions
Hutchison	McCaskill	Shaheen
Inhofe	McConnell	Shelby
Inouye	Menendez	Snowe
Isakson	Merkley	Stabenow
Johanns	Mikulski	Tester
Johnson (SD)	Moran	Thune
Kerry	Murkowski	Toomey
Kirk	Murray	Udall (CO)
Klobuchar	Nelson (NE)	Udall (NM)
Kohl	Nelson (FL)	Vitter
Kyl	Portman	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wicker
Levin	Risch	Wyden

NAYS—5

Coburn	Johnson (WI)	Paul
DeMint	Lee	

NOT VOTING—2

Rockefeller Rubio

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. BROWN of Ohio. Mr. President, yesterday I was in Cincinnati, OH. Terralift has the largest Labor Day gathering in the United States of America by 15,000, 20,000, around Coney Island and just southeast of Cincinnati, not far from the Ohio River. They have a picnic every year celebrating workers, not just organized workers but workers generally.

I met a woman there by the name of Lillian Brayhound, and Ms. Brayhound was wearing a t-shirt that said "Service Employees International Union." I asked her where she works, and she said she is a custodian in downtown Cincinnati. And I remember that 3 or 4 years ago I was at a dinner, and there was a group of workers, all middle-aged women, mostly minorities, mostly African American, a couple Latino women, and they had just signed their first union contract to represent the custodians in downtown Cincinnati office buildings.

I sat down at this table, and I said: What does this new union contract mean to you, to the workers there?

A 50-year-old woman turned to me and she said: This is the first time in my life I have ever had a paid week vacation.

Think about that: This is the first time in my life I have ever had a paid week vacation. That was because those workers, each of them working separately before for a building owner in a downtown Cincinnati office building, had gotten together, had voted to join a union, had the right to organize and bargain collectively. They still weren't getting rich. They still weren't making more than, I believe, if I recall, \$10 or

\$11 an hour. But now they had a bit of a pension, now they had health care, and now they had a chance to actually earn a 1-week vacation, something many, many workers in America don't have the opportunity for. And when I hear people say: Well, unions meant something in the past, but they have outlived their usefulness, that really tells you what that is all about.

We celebrate that on Labor Day, but we also know the union movement is under attack. We look at what has happened in the Ohio Statehouse, where legislators in Columbus, most of whom were elected by talking about lost jobs in large part because of what happened in the Bush administration and the 8 years previously, but people who were very unhappy, as they have a right to be, as they should be, because of lost jobs, but what they have done is, after getting elected, they have gone after collective bargaining rights, worker rights. They have attacked voter rights. They have attacked in far too many cases women's rights.

Let's be clear. It is not teachers and firefighters and police officers who caused Ohio's budget deficit. It is not teachers and firefighters and police officers who caused this financial implosion our Nation has. Look at the history. It has been tax cuts for the wealthy; it has been reckless spending, overspending on corporate welfare, overspending on all kinds of things; it has been regulatory sleepwalking that has left our economy in ruins. As a result, we have a widening income gap, with wages generally stagnant for the last decade for middle-class and working-class voter citizens, wages stagnating or declining for most of the workforce but salaries and bonuses going up for people who are the most privileged, the bankers and wealthy executives and CEOs.

Robert Reich recently pointed out that the 5 percent of Americans with the highest incomes now account for 37 percent of all consumption. Reich points out that when income is concentrated at the top, the middle class doesn't have enough purchasing power to pull themselves out of this recession our economy suffers. The wealthiest people can only spend so much. If the middle class has their wages stagnant or actually decline, there simply isn't the purchasing power we need to create the demand to grow our economy. Our economy has been most prosperous when the middle class is thriving rather than when we have these huge gaps in income.

Today we have lost the consensus that our Nation's prosperity was tied to a thriving middle class, where opportunity was afforded to those seeking to join it.

We used to see that consensus on manufacturing, where an economy built wealth and built strong communities for millions of Americans around production. You only create wealth by mining, by agriculture—growing something—and by manufacturing. Yet we

have seen what has happened to manufacturing jobs in Ohio. Ohio is still the largest manufacturing State in the country, below only Texas, twice our size, and California, three times our size. We still put out a lot of production. There is a lot of productive capacity in Ohio and a lot of production. But 30 years ago, 26, 27 percent of our GDP was manufacturing and about 10 percent was financial services. Those manufacturing jobs created wealth for a lot of middle-class families. Kids could go to college, they could buy a home or a car or two in so many cases. Today what used to be more than a quarter of our GDP in manufacturing and only 10 percent in financial services has flipped so today only about 10 percent of our GDP is manufacturing.

We know what that has done. Yet some of my Senate colleagues do not want to extend the payroll tax. In many ways, it seems they will essentially will go on strike to prevent the wealthiest in America from paying a penny more. I hope that changes now that we are back from the August break and we are listening to what voters, what citizens at home are talking about.

Mr. President, let me share a couple of letters from people in Ohio, a couple of stories. Then I know Senator DURBIN wants to address the Senate.

Last April, I met with workers at Navistar in Springfield, OH, who are building next-generation military and commercial vehicles. The plant's production is up because a company and a community came together, forging compromise between the union and employer to keep jobs and increase production. We see it across Ohio. At the other end of our State, at Arcelor Mittal's plant—a big steel maker near Cleveland—for every 1 person-hour, 1 ton of steel is produced. To my understanding, we have never seen that kind of productivity anywhere else in the world. They are the most productive steelworkers in the world, able to produce 1 ton of steel for 1 man-hour, 1 woman-hour invested. We see it at the Lima Tank Plant and at the GE Aviation Plant in Evendale. It is a story we see down in Piketon. We see it in towns across Ohio, where the "Made in Ohio" or "Made in America" is stamped on everything from airplanes to auto parts.

I got a letter from David from Akron. He said:

I am a firefighter/paramedic for the city of Akron. For 11 years I have put the safety and well-being of my community above mine.

I am a proud member of my local union, I am married to a high school English teacher. When I took the job I was told my life expectancy would be 10 years less than that of the average man. As a paramedic I do my job all hours of the night, all days of the week, 24 hours at a time. I miss birthdays, holidays, celebrations and much more. I have never complained until now.

As our country tries to recover from very hard times, I understand there is a need for reform. It is easy to think about what someone else has and how it is not fair. My wife and I worked hard to get where we are. No

one has handed it to us. That is what I love about our country, if you are willing to work for something then you can be successful.

Public employees are once again asked to make sacrifices.

He is not arguing he will not make sacrifices. But to attack public employees with all that has happened in Ohio, to imply that they are not doing their jobs, they are all slackers, is too much for people who have given so much of their lives serving the public.

This last letter I will read is from Anestis from Canton, OH, a teacher.

My father was a teacher in Canton City schools from 1953 to 1989. He and my mother raised 6 children, of whom I am the youngest. He taught and coached three sports from the time he received his job until he retired. He went to school on the GI bill after World War II. He could have earned a degree in anything, but he chose teaching because he sincerely wanted to earn a living through the hard, honest work of teaching and helping children.

Both of my grandparents were Greek immigrants who came to this country in 1913 and 1920 through Ellis Island to escape the suppression in their counties and better their lives. My grandfathers worked in the factories in Canton so their children could have an education and better their lives.

I have been teaching for 17 years. My father went on strike in the 1970's so we can now have collective bargaining, and I wouldn't be here today [if it were not for that]. Their work ethic and values of fair play helped my parents raise their children on a teacher's salary. If our rights are taken away, I cannot raise my own family—or educate our children.

Going the next step, a number of teachers and a number of college students have told me they are watching some young teachers, they are watching some of their classmates who planned to become teachers or just started their careers in the classroom and they are having second thoughts when they see conservative elected officials attack their profession of public schoolteachers or attack the profession of firefighters or police officers, all because they have a radical political agenda that wants to end the practice of organizing and bargaining collectively. It is a disservice to our country. We know we have a middle class because large numbers of workers—mostly private sector, some public sector—have had the ability under law to organize and bargain collectively. That is what built the middle class. It is not something we should give up lightly.

That is what I heard all over Ohio in the last couple of months. I assume I will hear it for the next couple of months. It is so important to our country that the focus here be on jobs, the focus here be on living-wage jobs, the focus here be on giving opportunities so Americans can stay in the middle class or have the opportunity to join the middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NO POLITICS ZONE

Mr. DURBIN. Mr. President, I thank my colleague from Ohio for high-

lighting what has to be our focal point as we return to the Senate, and that is the unemployment picture across America and the desperate situation many families are facing. As I visited my home State of Illinois, I found what the Senator did in Ohio, that many people have been desperately trying to find jobs for a long time and it is becoming increasingly difficult. The longer it goes on, the more difficult it becomes. It turns out the national statistics, which I read over the weekend, suggest that it is primarily males who are out of work—not exclusively, but 60 percent males, 40 percent females—and more and more not in minority populations. They are having a difficult time. I am glad the Senator from Ohio focused on getting us back on track as we should be on this issue.

I read with interest when Republican Leader MCCONNELL wrote an opinion article in the Washington Post yesterday. One line in that article struck me particularly and I wish to read it. Senator MCCONNELL said, "Job creation should be a no-politics zone."

I would like that to become our slogan for the month of September. I hope both parties will live by it. If we do, I think we can achieve some things and surprise the American people who have just about given up on us. Take a look at the numbers across the board. They say 12 or 13 percent of the American people think favorably of Congress. As I said on the "Jon Stewart Daily Show," I don't think we have that many relatives so I question the number. I think it has reached the point that most people do not have a positive view of what we are doing here, and we need to change it. The only people who can change it are those of us who serve in this Chamber.

Unfortunately, the Republican leader came to the floor of the Senate today and said a little different thing, which I hope I am not overreading, but he said:

Mr. President, there is a much simpler reason for opposing your economic proposals that has nothing whatsoever to do with politics, and it's this: They don't work.

I think that could be read to suggest that whatever the President has to say, he is going to run into opposition. I hope the joint session of Congress is productive. I spoke to the President this afternoon. He called a number of Members. He didn't give me any inside story on what he is about to say, but my guess is he is going to make proposals and then say to the Republicans: Now come up with your proposals and let's sit down together and work them out between us. That is the right way to do it in a divided government and that is the way we should approach it.

I recall when President George W. Bush in 2008 felt we needed an economic stimulus. At that time unemployment was 4.8 percent. Senator MCCONNELL supported an economic stimulus by President George W. Bush when our unemployment rate was 4.8 percent. He actually said on the floor