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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal God, the world and all that is in it belong to You. You lay its foundations in the ocean depths by the power of Your voice. Through Your redemptive work You brought peace on Earth and goodwill to humankind.

Lord, we need Your peace today on Capitol Hill. Release Your peace so that our lawmakers will find purity of motives, integrity of actions, and unity of purpose. Teach our Senators Your ways. Make yourself known to them today.

Lord, we place our reliance squarely on Your reliability as we pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a

Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WARNER 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. Following leader remarks, the Senate will be in a period of morning business. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes.

We expect to consider the omnibus spending bill within the next 24 hours or 36 hours. We also continue to work on an agreement to consider the payroll tax compromise. The Senate will be notified when votes are scheduled.

As a reminder to all Senators, cloture was filed on the motion to proceed to H.R. 3630, the House Republican payroll tax bill. Unless an agreement is reached, that vote will occur tomorrow morning.

### MEASURE PLACED ON THE CALENDAR—H.R. 3094

Mr. REID. Mr. President, H.R. 3094 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The assistant bill clerk read as follows:

A bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will

be placed on the calendar under rule XIV.

Mr. REID. Would the Chair announce morning business, please.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 12 p.m. with Senators permitted to speak therein up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

Mr. DURBIN. 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.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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.

### UNRESOLVED ISSUES

Mr. DURBIN. Mr. President, I hope we are drawing to a close. We are not certain; there are still some unresolved issues. But the Omnibus appropriations bill is moving forward, and it will fund our government for the remainder of this fiscal year. It has been a long and arduous process.

We started by passing three appropriations bills in the Senate, then when we tried to call the next three we ran

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



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into opposition. So the Appropriations Committee, on which I serve, had to sit down and try to craft nine separate spending bills and put them together into one. It was a long and involved and difficult process with the Financial Services Subcommittee which I chair.

Included in that committee jurisdiction are the Securities and Exchange Commission and the Commodity Futures Trading Commission. These are the two government agencies responsible for watching Wall Street and the major financial institutions markets across America. We are doing our best to not only restore America's confidence in some of these institutions that have been shaken by the recession but also to make certain it never happens again. There is resistance, primarily from the banking community and some financial institutions that don't want regulation even after the embarrassing failures of the last recession and the need for a Federal Government bailout.

We need to make certain that at the Securities and Exchange Commission and the Commodity Futures Trading Commission there are adequate funds for them to do the job. I will tell my colleagues honestly that the underfunding of the Commodity Futures Trading Commission is a serious mistake—serious. MFA Global has been the subject of repeated hearings on Capitol Hill as to what went wrong that led to the eighth largest bankruptcy in the history of the United States. Innocent people across America and the world have lost money. Some of them have lost their savings because of wrongdoing by someone—we still don't know who. But the agency responsible for monitoring this activity, the Commodity Futures Trading Commission, is facing a modest—almost immodest—increase in appropriations this year when they desperately need more.

This is an agency which had a budget of about \$200 million in the last year. The administration had asked for \$300 million for this year. We will be lucky to come up with anything in the range of \$215 million. That is a 7- or 8-percent increase in an agency which desperately needs more not just for personnel—and they need the best professionals—but also for computer technology to keep up with the volume of trades taking place and to monitor activity so as to avoid embarrassment and exploitation.

This notion by many on the other side of the aisle that we can starve these agencies and somehow end up with a stronger economy is completely upside down. The strength of the American economy, whether we are talking about Wall Street or the Chicago Mercantile Exchange or the Chicago Board of Options Exchange, is in the fact that we are guided by the rule of law. We encourage and put into law standards of transparency, and we have oversight that is adequate to the job. This year's appropriations bill falls short of that mark.

I am also troubled by other provisions in this bill again this year considered by my subcommittee. Too many Members of Congress, especially in the House of Representatives, clearly have missed their real calling in life. What they wanted to be was not a Member of Congress but a mayor. So in their frustration they decided they will be a Congressman from their district back home and a surrogate mayor for the District of Columbia.

Over 800,000 American citizens and taxpayers live in this great city. They have nominally had home rule for decades. Yet time and again, year after year, they are subjected to those would-be mayors from all around America who impose standards on this city that they would never suggest in their own hometowns. It becomes a social experiment, primarily for the rightwing.

One of the programs each year that becomes a source of controversy is the needle exchange program. This program of exchanging needles and syringes is the bridge to those who are addicted to bring them out of their addiction into a healthy situation. Why would we do this in the District of Columbia? Because the incidence of HIV/AIDS infection in this city is the highest in the United States of America. That is the reality of life on the streets of Washington—a reality which those who have opposed this program refuse to acknowledge.

The medical professionals step forward and say: Do this. We can help make this a cleaner, healthier, safer city if you do it. Time and time again, some folks stand in the House and say: Oh, we are just going to get rid of this and show that we are opposed to intravenous drug use.

Well, I am opposed to it too, but I know that in addition to strong laws we need thoughtful, commonsense solutions such as the needle exchange program that is supported by medical organizations. The fact that this is not taking place in the way it should is an embarrassment, and I am sorry this will be included in one part of this appropriations bill.

Before we leave, we need to do two things in addition to funding our government. We need to make certain the payroll tax cut which benefits 160 million Americans continues after December 31. This is a lifeline to many struggling families, and it is a way to insert into our economy the spending power of 160 million families buying goods and services that plays out into even more economic activity—more jobs and profitability. That is a must. The President insists on it. He has crossed America making that case. We cannot leave town without doing it. We are working on the final details today, and we should close that as quickly as possible to make certain there is no gap in this coverage of this payroll tax cut.

Secondly, the maintaining of unemployment insurance benefits is absolutely essential for millions of Americans who are out of work.

The amount of money they receive in UI benefits will allow them to keep their families together not just during this holiday season but for the months to come, so that while they are searching for a job they are able to make basic payments so they do not lose their homes—at least have a roof over their heads—and provide for the basic necessities of life for their struggling families.

I cannot believe this has become a political football. I can still recall a time—not that long ago—when Republican and Democratic Presidents would renew unemployment benefits without question, without demand that it be paid for, because they knew it was essential. It was as caring and needy as disaster aid is, and now it has become a political football.

We need to extend these unemployment benefits before we leave town. We have to get that done. The President has insisted on it, and he is right. We know now, with our high unemployment rate coming down slowly, that we still need to provide this assistance to families. Were we to cut off these unemployment benefits, in my home State of Illinois, 148,000 people would lose their benefits—148,000 people. What a happy holiday they would have, knowing that on January 1, the benefits would no longer continue.

Let's get this job done. Let's go home at least with the clear mind that we have met our obligation to this economy and to the unemployed people across America, that we have funded our government, and that we will return next year and, I hope, find a more congenial and bipartisan environment to work in.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank the Presiding Officer for taking a few moments so I can make my statement. I also thank my friend, the Senator from Illinois, for his comments.

#### TRIBUTE TO FEDERAL WORKERS

JOHN MERLINO

Mr. WARNER. Mr. President, I was heartened to hear the comments the majority leader made, that we are close to an agreement to make sure we do not put the American people or the great Federal workers through another one of these eleventh-hour fire drills, where we get to the brink of the precipice of shutting down our Federal Government.

It is in that spirit that I rise because, as many know, over the last year and a half or so I have come regularly to the floor of the Senate to continue a tradition that was started by Senator Kaufman from Delaware, where we recognize the contributions of great Federal employees.

Today, I am pleased to honor another exceptional—exceptional—Federal worker, Mr. John Merlino.