

qualified individuals such as Jesse Furman. Jesse's commitment to upholding fairness within our legal system is well regarded and highly respected. I strongly support his nomination and believe that if confirmed, Jesse will be an excellent Judge to serve on the United States District Court for the Southern District of New York and I urge my colleagues to vote favorably for his confirmation.

I yield the floor.

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

Mr. MCCONNELL. Mr. President, I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jesse M. Furman, of New York to be United States District Judge for the Southern District of New York?

Mr. TOOMEY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—62

Akaka	Graham	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Kyl	Schumer
Cantwell	Landrieu	Sessions
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCain	Udall (NM)
Corker	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—34

Ayotte	Enzi	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Rubio
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Cornyn	Johnson (WI)	Wicker
Crapo	Lee	
DeMint	Lugar	

NOT VOTING—4

Bingaman	Roberts
Kirk	Vitter

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

The Senator from Montana.

#### TAX RELIEF AND JOB CREATION ACT— CONFERENCE REPORT

Mr. BAUCUS. Mr. President, I assume the next business is the vote on the payroll bill. Before that, I will take 1 minute.

As we vote on this bill and prepare to go home, I ask you to remember four numbers: No. 1, 160 million; that is the number of Americans who are helped by this bill. The next number is 1,000; that is \$1,000 that each of those Americans is going to benefit by, by passage of the bill. The next number is 13 million, which is the number of Americans who are unemployed and would be dramatically helped by this bill. Finally, 48 million, which is the number of seniors in America who have doctors take care of their health care needs.

Remember those four numbers and vote for this bill. Remember, the other body passed this bill by a margin of 293 to 132, evenly split between Republicans and Democrats. I urge passage of the bill.

Mr. President, there are a number of mistakes in the Joint Explanatory Statement of the Committee of Conference on H.R. 3630 related to sections 7003 and 7004 and the current law description of those sections:

No. 1, on page 36, in the paragraphs describing current law, the last clause of the last sentence of the third paragraph should read:

A Senate point-of-order against emergency designations under BBEDCA exists pursuant to section 511 of public law 112 78.

No. 2, on page 37, in the paragraphs describing the conference substitute, the description of section 7003 should be deleted, and the paragraph labeled Section 7004 should be re-designated as section "Section 7003" and should read:

Paygo Scorecard Estimates—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Mr. ROCKEFELLER. On behalf of myself and Senator BAUCUS, I wish to state that title VI of the conference report to H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012, contains landmark bipartisan legislation that more than 10 years after 9/11 will provide police, firefighters, and other first responders with a nationwide, interoperable wireless broadband network for public safety. This legislation will also help ease the Nation's growing spectrum shortage, through the auction of new spectrum to commercial providers. Revenues from these

spectrum auctions will fund the public safety network—and contribute \$15.2 billion to the unemployment compensation fund.

Specifically, Title VI of the conference report provides \$7 billion in spectrum auction proceeds as well as D-Block spectrum worth \$2.75 billion to develop a nationwide, interoperable wireless broadband network for public safety officials through a new First Responder Network Authority. The title also directs the Federal Communications Commission, FCC, to auction underutilized spectrum and provides the agency with authority to hold voluntary incentive auctions. These auctions are expected to raise more than \$25 billion in revenue. In addition, the title authorizes the FCC to create guard bands in the broadcast spectrum that can be used for innovative new unlicensed uses like Super Wi-Fi. These efforts will help meet the growing spectrum demands of smartphones and tablets. Moreover, investment in the wireless economy is expected to create hundreds of thousands of new jobs.

The title is based on bipartisan legislation developed by Senator ROCKEFELLER and Senator HUTCHISON, S. 911, and a comparable House bill, H.R. 3630. The public safety provisions are based on the national model first developed in S. 911, with some changes to ensure flexibility for States. The spectrum auction provisions are based on the auction model in H.R. 3630, with some changes regarding unlicensed spectrum and FCC auction rules.

As to public safety provisions, title VI of the conference report provides for the construction of a nationwide, interoperable public safety wireless broadband network. It does this using the D-Block spectrum, which is ideally located for fostering seamless communication among first responders. It will allow them to take full advantage of broadband functions in emergencies e.g., allowing firefighters to download floor plans to see inside buildings before they enter. It also will promote economies of scale and efficiencies from using the same spectrum nationwide.

The title creates a First Responder Network Authority as an independent entity within the National Telecommunications and Information Administration, NTIA, and provides the Authority with \$7 billion and a license to use the D-Block to build the nationwide public safety network. To ensure efficiency, the title requires that the Authority leverage existing commercial networks in construction. To ensure national interoperability, the title also creates a technical advisory board at the FCC to develop initial interoperability standards. States that want to construct their own portion of the National public safety network have the option to apply for Federal grants to build and operate the radio access network in the State if they can demonstrate to the FCC that the network will meet the interoperability standards and to the NTIA that they have

the resources and capability to provide comparable coverage and security and the ability to maintain ongoing interoperability.

Unlike H.R. 3630, the title does not require public safety officials to return the important 700 MHz narrowband spectrum to the FCC for auction. Instead, it requires the return of a more limited amount of spectrum currently used by public safety. This return of a portion of the so-called "T-Band" spectrum occurs 11 years from the date of enactment, and public safety relocation costs will be reimbursed from any auction proceeds. This time frame provides an opportunity for continued assessment of the viability of this transition—and its impact on public safety communications.

The title also authorizes up to \$300 million for critical public safety research and development activities and promotes deployment of Next Generation 9 1-1 services, which will complement the advanced broadband capabilities of the public safety network by enabling the delivery of voice, text, video, and other data to 9 1-1 call centers.

As to the spectrum auction provisions, the auction provisions in Title VI of the conference report are largely the same as those in H.R. 3630, with two significant exceptions—the provisions relating to unlicensed spectrum and FCC auction authority.

Unlicensed spectrum has been an engine of economic innovation and growth. Today, unlicensed uses include Wi-Fi connections for laptops, television remote controls, and cordless telephones. In the future, unlicensed spectrum is expected to enable new forms of communication, like Super Wi-Fi. The title advances this goal in three ways. First, it gives the FCC the authority to preserve existing television white spaces. Second, it gives the FCC the authority to optimize these white spaces for unlicensed use by consolidating them into more optimal configurations through band plans. Third, it gives the FCC the authority to use part of the spectrum relinquished by television broadcasters in the incentive auction to create nationwide guard bands that can be used for unlicensed use, including in high value markets that currently have little or no white spaces today. Nationwide, unlicensed access to guard bands will enable innovation, promote investment in new wireless services, and enhance the value of licensed spectrum by protecting against harmful interference and allowing carriers to off-load data to alleviate capacity concerns.

Under current law, the FCC has broad authority to craft auction rules in the public interest. The agency has used this authority to ensure that communications markets remain competitive. H.R. 3630 would have restricted the FCC's future ability to limit participation in and set rules for spectrum auctions. Title VI of the conference report modifies this prohibition by expressly

preserving the FCC's flexibility to protect competition in the awarding of licenses, and to adopt auction procedures and other rules of general applicability.

Mr. LEAHY. Mr. President, Congress has taken an important step today to address the looming spectrum crunch that our country faces as well as provide first responders with the nationwide network that they undoubtedly need. From cell phones to WiFi to broadcast television and radio, spectrum fuels some of the most critical technologies of the modern age. Empowering the Federal Communications Commission to conduct voluntary auctions in order to recover potentially underutilized spectrum will ensure that the public airwaves are being put to the best possible use. I am particularly pleased to see that this provision contains language that will protect broadcast television stations along the Canadian border.

A potential consequence of the spectrum auctions that Congress has been considering is that the Federal Communications Commission may need to "repack" or move certain television stations to new channels to appropriately free up spectrum. This type of repacking occurred following the transition to digital television and put some broadcast stations in Vermont in the position of having to reduce power to avoid interference with Canadian broadcast signals. Further repacking without appropriate protection could have serious consequences for stations in Vermont and elsewhere along the border. The language in the bill Congress has passed today makes sure that repacking along our borders is subject to international coordination with Canada and Mexico.

In January, I joined with the other members of Vermont's Congressional delegation in sending a letter to Secretary of State Clinton requesting that the State Department explore a new spectrum coordination agreement with Canada. As Congress moves forward today with approving spectrum auctions, I once again call for a new agreement that will ensure adequate spectrum exists for repacking in Vermont and elsewhere along the border. Broadcast television is critically important to communities across this country, and the steps Congress has taken today will make sure that residents relying on this free service do not see significant disruptions due to a lack of international coordination.

The voluntary spectrum auctions that Congress has approved today are an important step in freeing up the airwaves for new and innovative uses. The auction provision also ensures that public safety will finally have a nationwide broadband network at its disposal, which was a key recommendation of the 9/11 Commission. I am pleased that stakeholders came together to craft a compromise that will help to spur innovation, improve public safety, and preserve access to the free,

over-the-air television that is so important our communities.

Mr. LEVIN. Mr. President, I am pleased that today we can approve a full-year extension of the payroll tax cut, important tax relief that is focused on middle-class families who have suffered greatly during the Great Recession, tax relief that will help continue the economic recovery that appears to be under way and that we all hope will strengthen in the months to come.

The controversy over how to offset the cost of this payroll tax relief has twice now nearly derailed this important middle class tax relief. I am glad that we have for the second time avoided such an outcome. But my strong preference would be for our colleagues across the aisle and across the Capitol to accept the reality that added revenue must eventually be a part of our strategy here. Democrats have offered common-sense solutions that would have allowed us to prevent a tax increase on American families without adding to the deficit and without damaging our economic recovery. Rather than take steps such as ask for a small contribution from the wealthiest Americans—those with annual incomes above \$1 million—our Republican colleagues preferred to add to the deficit. That is an unfortunate choice.

Just as important as the extension of middle-class tax relief in this bill is the extension of emergency unemployment benefits. It is good for Michigan and good for the Nation that we have rejected the approach advocated by some, which would have slashed these important benefits. Emergency jobless benefits have kept food on the table and shelter overhead for millions of families across the country coping with the loss of a job through no fault of their own. Beyond those families, this funding has been an economic lifeline to communities hard-hit by job losses, and it has been an important component in our economic recovery.

I should note here that my own State cannot take full advantage of this extension unless it reverses the decision of the Governor and State Legislature to cut State benefits from 26 weeks to 20 weeks. Because of this decision, from March through May of this year, Michiganders who could be eligible for a total of 89 weeks of benefits will be limited to 69 weeks. For a relatively small investment on the State's part, we could make a major difference for Michigan families if we reverse the State's cuts. I hope the Governor and Legislature will reconsider their position.

The extension of the so-called "doc fix" to prevent major cuts in Medicare reimbursements to health care providers is another important part of this legislation. Year after year we find ourselves toying with the idea of allowing drastic cuts to the providers who serve our nation's elderly and most vulnerable. I am glad we again avoided this outcome; however, we missed yet

another important opportunity to fix this growing problem that becomes more expensive the longer we wait to act.

In addition to supporting our nation's health care providers, this bill includes a short-term extension of hospital wage index reclassifications under Section 508 of the Medicare Modernization Act. While I am disappointed we were unable to provide a long-term extension of this provision—which helps remedy an inaccurate Medicare classification—at least we were able to include a retroactive 4-month extension for affected hospitals in my State. And while some of the health care cuts used to pay for these extensions will be very difficult to absorb, I am pleased we successfully pushed back against the most draconian cuts to important safety net providers that House Republican's included in their bill.

The legislation also authorizes the Federal Communications Commission to hold incentive auctions to entice broadcasters to sell some of their unused or underused spectrum to free up spectrum to meet growing demand for wireless broadband technologies and also help public safety officials build a national broadband network to improve communications during emergencies.

Securing adequate spectrum for and building out a nationwide interoperable public safety broadband network is an important public policy goal that is overdue to be implemented as a recommendation of the 9/11 Commission.

One issue related to these auctions of particular interest to me is the uniqueness of our border states when it comes to spectrum signals. Broadcasters, including those in Detroit, Flint, Traverse City, Grand Rapids, and Lansing, have been concerned about potential interference of signals along the border if spectrum allocations were modified from the carefully negotiated existing signals. I am pleased that this has been addressed by requiring that any reassignments of channels be subject to special rules to avoid that interference.

Mr. KERRY. Mr. President, I am pleased that the conference committee was able to reach agreement to provide critical tax relief for American workers and to extend unemployment benefits for out-of-work Americans.

In a letter to conferees earlier this month, I urged the committee to include a permanent repeal of Medicare's sustainable growth rate, SGR, formula and offset the cost with savings from capping a portion of the spending for overseas contingency operations, OCO, below amounts in the Congressional Budget Office, CBO, baseline.

Every Medicare expert knows that the SGR formula is irreparably flawed and needs to be repealed. If the conference committee was unable to reach agreement, doctors serving Medicare beneficiaries would face a 27.4-percent cut on March 1.

While I am disappointed that conference committee was unable to per-

manently repeal the SGR, I am grateful that they averted the latest crisis by including a 10-month fix, freezing payments to physicians through the end of the year.

However, the latest Medicare physician payment fix comes at a great cost to hospitals, clinical laboratories, and preventive health initiatives.

The conference report offsets the cost of the SGR with \$9.6 billion in Medicare cuts, \$4 billion in Medicaid cuts, and \$7.5 billion in cuts from provisions in the Affordable Care Act, ACA.

Massachusetts hospitals and skilled nursing facilities will be negatively impacted by the cuts to bad debt payments which reimburse providers for beneficiaries' unpaid coinsurance and deductible amounts after reasonable collection efforts. Because of this provision, Massachusetts hospitals will be cut by approximately \$94 million over the next decade.

Clinical laboratories in Massachusetts will also bear disproportionate cuts because of offsets in the conference report. They will see their Medicare payments reduced by 2 percent in 2013 and will see additional reductions in the future. There are over 630 medical laboratories in Massachusetts, and I am concerned that these cuts will delay or deny patient access to lifesaving and life-enhancing innovative diagnostic tests.

The conference report substantially reduces funding for the Prevention and Public Health Fund created in the Affordable Care Act by \$5 billion. Massachusetts supports public health funding solely from grants and has received over \$24 million in grants from the prevention fund since enactment of health reform. Cuts to the prevention fund will jeopardize preventive care initiatives throughout the State, including a program by UMass School of Public Health and Health Sciences to provide diabetes care trainings throughout western Massachusetts.

I am also disappointed that the conference report will eliminate the extension of funds for section 508 hospitals on April 1, 2012. This will cause approximately \$4 to \$7 million in annual cuts to Berkshire Medical Center, the only section 508 hospital in Massachusetts.

However, I am supporting the conference report because it is imperative for Congress to pass tax relief, extend unemployment protections, and prevent damaging cuts to physicians. The Medicare physician payment fix is particularly important to the Massachusetts economy. One in five workers in Massachusetts is employed in health care. Nearly 15 percent of my State's economy is based on health care. This issue directly impacts 20,000 physicians, their 64,724 employees, and every health care constituency which depends on Medicare, including the 187,000 employees of Massachusetts hospitals.

I am concerned about a provision that was included in the conference re-

port that would increase by 2.3 percent retirement contributions for some Federal employees. This provision will reduce pay for Federal workers who have already been faced with a freeze in salary.

I look forward to working with my colleagues to permanently repealing the SGR later this year.

Ms. MIKULSKI. Mr. President, I come to the floor today both volcanic and flabbergasted. I am volcanic that this bill is not fully paid for and that we are using permanent solutions to solve temporary problems. And, I am flabbergasted that Republicans are more willing to protect billionaires than keep our economy rolling and provide a safety net for those going through tough times.

We are asked to make an impossible choice. I want to continue the payroll tax holiday. I want to continue unemployment insurance. And I want to stop a pay cut to doctors that care for the injured and infirm. But I will be darned if I agree to pay for it by cutting payments to hospitals that serve the poor and by asking civil servants to take it on the chin when billionaires do not have to contribute a dime.

Republicans say they want to cut spending. They say they are serious about reducing the deficit. But the only thing they are serious about is protecting the pampered and prosperous. I will give you an example. Continuing the payroll tax holiday costs about \$100 billion. I want to pay for it by cutting tax breaks for billionaires, tax breaks for oil companies, and tax breaks for big agriculture. But Republicans do not want to pay for it at all. The so-called party of fiscal discipline wants to add \$100 billion to the deficit before asking billionaires to pay more. Some people might call that hypocrisy. I call it a sham.

This bill would block a 27% pay cut to doctors that care for the injured and infirm. I support that but I would like to see a long-term fix to this payment problem and not just a 10-month patch. To pay for this temporary fix, the bill cuts \$10 billion to hospitals that provide care to the poor and Medicare patients. We ask doctors and hospitals to care for the most vulnerable and then we say we would not pay the bill.

The bill also cuts funds for health prevention activities. Republicans like to call it a "slush fund." Since when did efforts to combat our Nation's highest cost disease and conditions like diabetes, Alzheimer's and heart disease become a "slush fund"? The bill also cuts laboratory services that diagnose illness. We are cutting the "good-guy" institutions to protect the checkbooks of the wealthy.

The bill also sticks it to civil servants who are already operating under a 2-year pay freeze. Congress has already balanced the budget on their backs and saved \$60 billion over 10 years by freezing their pay. Instead of asking billionaires to sacrifice once it asks more than 2 million middle class civil servants to pay more again. It leaves the

hedge fund managers alone and takes from the GS 5 earning \$30,000 a year and the GS 7 earning \$40,000.

Across the country there are 2 million civil servants who work for 300 million Americans every day with honesty, integrity and competency. They keep our food safe, our environment clean, our communities protected and our democracy stable. They are at our borders and airports protecting our safety and at Social Security offices helping seniors get their benefits. They are Nobel Prize winners, they create private sector opportunities and they are the economic engine of Maryland. Despite all of this, civil servants have been the target of unending attacks. They have been downsized, furloughed and shut down. They are enduring pay freezes and broken promises on retirement security. Every great democracy needs a civil service. We have one but we can not keep it if we keep up this toxic environment for our civil servants.

I support a payroll tax holiday. I support extending Unemployment Insurance and I support a long-term doc fix. But these items must be paid for. We cannot let corporations and the wealthy walk away again when the middle class gets stuck with the bill.

Mr. REED. Mr. President, the average Rhode Islander remains worried about the economy and their future. There are some signs that offer hope in the economy, but for too many, good news still eludes them. Congress has the ability and the obligation to reinvigorate the recovery, boost demand, and create jobs. Unfortunately, because of Republican obstructionism, Congress has not been able to act and produce the kind of results the American people and Rhode Islanders are asking for, mainly more jobs. In fact, Republicans have manufactured crises. Last summer they jeopardized the full faith and credit of the United States by refusing to raise the debt ceiling, and in December, they threatened to cut off jobless benefits to millions of out-of-work Americans looking for a job and raised taxes on the middle class by not extending the payroll tax cut.

Fortunately, this conference report avoids last-minute threats of financial calamity or economic ruin. This compromise will continue the payroll tax cut for 160 million working Americans and jobless benefits for millions of unemployed individuals looking for work all through 2012.

What I find most disconcerting in the debate preceding this conference report and the deal that we struck with Republicans is their view of the reasons why Americans are out of work. As economists have shown, Americans are out of work because of the weak economy and the unwillingness by many in this body to do something about it.

Republicans believe that slashing the duration of unemployment benefits will yield jobs. This is a view that is harmful to many in my State. Republicans in the House would have cut ben-

efits immediately from its current maximum of 99 weeks, targeted towards the hardest hit States, to 59 weeks. This would have hurt families and the economy. The relatively small weekly UI benefit can be the difference between paying rent and putting food on the table and ensuring the survival of local businesses.

The White House, as part of a broad jobs plan, which was designed to appreciably reduce the unemployment rate, also proposed to reduce the maximum amount of jobless benefits from 99 to 79 weeks. This proposal made sense as part of a broad package that would help Americans get back to work. However, Republicans blocked that jobs package and cherry-picked the 79 weeks from the President's proposal and presented that as the Democratic starting point. I and my fellow Democrats during negotiations stressed that existing law is 99 weeks; and, in fact, under this conference report 99 weeks will continue for many States through April and May. Democrats were able to ensure that the ultimate reduction to 73 at the end of the year was gradual and that the maximum aid continued flowing to the highest unemployment States.

Senate and House Democrats were also successful in including important and commonsense reforms to the unemployment insurance system that will bolster reemployment services for the unemployed. There is also a key provision to help prevent the loss of jobs in the first place. My work sharing legislation that was included in this bill will provide \$500 million to enhance and expand the use of a proven initiative to help keep Americans on the job and provide employers with a practical alternative to layoffs that is good for business. This voluntary program has been very successful in Rhode Island, saving over 10,000 jobs. Economist Mark Zandi estimates that temporary financing of work share offers a very high "bang for the buck" of \$1.69. Work sharing allows businesses to retain skilled workers, temporarily cut costs, and maintain employee morale. It keeps people working while receiving a share of unemployment benefits to make up for lost wages and retaining health insurance and retirement benefits. This means workers can continue to pay their mortgages and bills, provide for their families, and support businesses in their local communities. More than 20 States have adopted work-sharing initiatives. By including this provision in the conference report, we are encouraging States with existing layoff prevention systems to utilize them more frequently and incentivizing States without work sharing to create them.

This compromise also improves work search requirements and helps States recover benefit overpayments.

Importantly, we prevented Republican UI proposals that would have required a GED to collect UI benefits; this proposal would have disproportion-

ately and unfairly harmed older workers. And, it could have led to the denial of benefits, despite the efforts of the unemployed worker, because access to a GED program was unavailable. Republican efforts to cut adult education funding have and will continue to limit access to these education services.

In addition, this conference report includes an agreement that will create a critically needed nationwide wireless communications network for public safety, while also allowing the Federal Government to auction off portions of the wireless spectrum that it no longer needs. I fought against language in the House bill that the Department of Defense stated would be damaging to our Nation's defense capabilities by forcing the Department to withdraw from certain portions of the wireless spectrum that it currently uses. I am pleased that the conference report does not include this language.

The compromise also ensures approximately 181,000 Rhode Islanders on Medicare will continue to have access to health care services by preventing a 27-percent cut in Medicare payments to doctors. And it provides over \$7 million for Rhode Island to help an estimated 4,000 parents and children every month through December retain their Medicaid coverage as they transition to employment and increase their earnings.

While I am pleased that I helped prevent any benefit cuts to seniors on Medicare and other low-income individuals and families to pay for the extension of these health care programs, included in the proposal offered by Republicans in the House, I am disappointed that the compromise includes reductions in Medicare payments to hospitals, nursing facilities, and clinical laboratories.

There was a better way to pay for this legislation. Congress could have closed egregious corporate subsidies and made our tax system fairer. Unfortunately, Republicans refused.

But overall, this compromise continues important policies that help the middle class. But Congress still has much work to do to create jobs and restore economic opportunity and fairness. I will continue to press for passage of innovative job creation strategies to accelerate our economic recovery.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I yield back the time on this side.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that notwithstanding lack of receipt of the papers from the House with respect to the conference report to accompany H.R. 3630, the Senate proceed to vote on adoption of the conference report, as provided under the previous order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I yield back all time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the conference report to accompany H.R. 3630.

Mr. BAUCUS. Mr. President, I request the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 22 Leg.]

#### YEAS—60

Akaka	Graham	Murkowski
Ayotte	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Heller	Nelson (FL)
Bennet	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Klobuchar	Rubio
Cantwell	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Durbin	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden

#### NAYS—36

Alexander	DeMint	McCain
Barrasso	Enzi	Mikulski
Blunt	Harkin	Moran
Boozman	Hatch	Paul
Burr	Hutchison	Portman
Cardin	Inhofe	Risch
Chambliss	Isakson	Sanders
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Manchin	Warner

#### NOT VOTING—4

Bingaman	Roberts
Kirk	Vitter

The conference report was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

AMENDMENT NO. 1730 TO S. 1813

Mr. REID. I have an amendment at the desk. I now ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1730.

Mr. REID. I ask that further reading of the amendment be waived.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

### MORNING BUSINESS

Mr. REID. Mr. President, I now ask that we move to a period of morning business, with Senators allowed to speak until 2 p.m. for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, what we have just gone through is an effort to bring the highway bill to be closer to the end.

The amendment I have offered does not have in it the Commerce Committee-reported matter. There has been an effort made by members of the Commerce Committee on a bipartisan basis to have another proposal, and that is what is now in this bill. I would hope that will be accepted—I am told it will—when we get back, which will allow us to start legislating, the Monday we get back, on this bill. We have to move to completion.

As I said earlier today, I don't like a lot of the amendments my Republican colleagues have offered, but they have a right to offer amendments. We are going to have to work through these amendments. I hope we can come up with, the day we get back or at least the next day, a list of finite amendments, Republican amendments and Democratic amendments, and work our way through those. We can't have hundreds of amendments, and I hope we can work that down to a reasonable number. Both sides are going to offer amendments. I am sure it won't be a lot of fun, but that is why we are elected—to make tough decisions.

There are some measures we have to vote on that relate to the bill. I know that may sound a little unusual, but there may be some amendments that are germane or relevant to the matter we are considering. We are going to work through those.

I hope we don't have to file cloture on the bill—that would be nice—because this legislation is important because the surface transportation law that is now in effect expires at the end of March. So we have a lot of work to do in a short period of time.

So Senators understand, we have a lot more to do. We not only have to finish this bill, but it is imperative that we bring to the floor the postal reform legislation. It is extremely important. We also have a lot of nominations we are going to have to deal with, and these are the things we have in the short term. The highway bill and the

postal bill are really big, important pieces of legislation.

I would be happy to yield to my friend, the chairwoman of the committee.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Very briefly, I just want to thank my friend so much. He has a lot of ties to the environment and public works community, and we know every State in the Union is watching us. They want to know that we are going to get our job done on the highway bill. I see Senator THUNE is on the floor. He has been extraordinarily helpful as we have worked our way through this in the most bipartisan fashion.

For people who might be confused with the vote that took place, I just wanted to point out that in the package that was on the floor, what happened was there was a problem in the Commerce Committee. There was a bipartisan problem there which has now been worked out.

So what my colleague has done now is—I ask unanimous consent that I can control the floor for the next 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. So what my colleague has done by offering this amendment is to offer now the agreed-upon Commerce package and the agreed-upon bill so that we can finally get started and not have us torn asunder.

It was wonderful to interact with Senator HUTCHISON today because she made her point that she is quite satisfied with the compromise that has been worked out between herself and Senator ROCKEFELLER on the new compromised Commerce piece.

So when we come back, here is where we will be: Senator REID has offered that new package, which is 100 percent bipartisan. I have talked with Senator INHOFE. His staff and my staff are going to be working literally—I don't want to say 24/7; that is an exaggeration, but they are going to be working every day, including the weekends, over this work period to take probably 200 amendments—that is usually what happens in these bills—and try to get a few that are simple, that are not controversial, get those agreed upon on a staff level, and bring them back to a lot of principals. We have a lot of principals in this because we have four committees—all working in good faith, I might add.

So I am excited. I know Senator LANDRIEU is on the Senate floor, and she has been doing a wonderful job with Senator NELSON, Senator SHELBY, Senator WICKER, Senator CARPER, and others, on a bipartisan basis on the RESTORE Act. It is an amendment that has been filed, and I am very hopeful that is the type of thing we can get done with good will here, people willing to not filibuster but agree to 60-vote thresholds, if they have to, with time agreements.