

Let's be very clear about this. The Democrats' quick-fix approach has failed. Nearly 3 years have passed since Democrats passed the mother of all stimulus bills, and we have 1.3 million fewer jobs in this country than we had when the President signed it into law. Yet they are still at it. Republicans in the House have passed an avalanche of legislation aimed at liberating the private sector and getting the economy growing again. It all dies at the Senate door. Democrats are not interested. With Democrats in control of two-thirds of the government in Washington, all we get is more temporary stimulus and calls to raise taxes on the very people we are counting on to jolt this economy back to life. That is why we are standing here 3 years into this administration still talking about temporary stimulus measures paid for by permanent tax hikes—temporary stimulus measures paid for by permanent tax hikes.

Democrats don't seem interested in doing anything that will lead to economic growth. They are stuck on stimulus. They are stuck on government. They are stuck on economic policies that have already failed. So we are not arguing against extending the payroll tax cut. We just think it should not be punishing job creators to pay for it. We think that if this kind of temporary relief engineered at some lawmakers' whim is the sum and substance of Democrats' plan for getting this economy going again, we are in trouble.

The American people don't want a temporary allowance from Democrats in Washington. They want us to get out of the way, to lift the burdens to growth so they can get this economy going. That is why Republicans are proposing a very different approach to paying for this extension. We can maintain this tax relief without raising taxes on job creators. If past experience shows us anything, it is that Washington will only spend every dime it gets and then some anyway, when we need to find a solution that doesn't give more power to Washington. We will never get this economy going or help people create the wealth and jobs America needs if we continue to allow Washington to dictate all the rules of the game when it comes to our economy. At the end of the day, the real question in this debate isn't whether lawmakers in Washington should or should not extend some temporary stimulus but whether the American people should continue to allow Washington to have so much power over their lives. That is what this debate is about.

Mr. REID. Will the Chair announce the business for the day.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees.

#### CREATING JOBS BY PROVIDING PAYROLL TAX RELIEF FOR MIDDLE CLASS FAMILIES AND BUSINESSES—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 238, S. 1917.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 238, S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Jack Reed, Richard J. Durbin, Dianne Feinstein, Carl Levin, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Robert Menendez, Joseph I. Lieberman.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. Madam President, on one of the Sunday shows, the assistant leader, the Republican whip, my friend, the junior Senator from Arizona, indicated that Republicans would not support the withholding tax proposal we had made. On Monday, that was what the Senate leadership said. So I am very happy there has been a conversion and now they agree to support it but be careful. Remember, they are very clever and unclear on how they want this paid for. One Republican Senator said he didn't want it paid for, and that, in fact, has been the standard mantra of the Republicans: Tax cuts should not have to be paid for. The Bush tax cuts, amounting to trillions of dollars, were

not paid for. That is, of course, one reason we have this huge problem with the deficit.

I think we also have to recognize that one thing our country lacks is confidence. There are a lot of reasons, but one reason the country lacks confidence is people out here are talking about how bad the economy is doing. It is doing very poorly, and I recognize that. But we have had growth over the last many months. Is it as significant and as robust as we want? Of course not, but we have a growing economy; that is to say about my friend, the prior President, President Bush, we had no growth there. That was downhill. When he came into office, there was a surplus of trillions of dollars. That was taken away with not paying for all these tax cuts, the unpaid war in Iraq, the unpaid war in Afghanistan, and at least 8 million jobs were lost. We are trying to work our way out of that, and we have worked very hard.

My friend talks about the stimulus bill, the Economic Recovery Act. Let's just talk about something I know a lot about, the State of Nevada. But for that bill, in the State of Nevada, which is very hard hit with the economic recovery, a State that for two decades had been the No. 1 place in America to come to start a business, to get a job, to buy property, that is no longer the case. That is no longer the case. But the stimulus bill has kept the schools open, has allowed people on Medicaid to continue getting some help, and we have had—because of that bill—thousands and thousands of jobs created with solar projects, geothermal projects all over the State of Nevada. Is it enough? Of course not. But let's start building some confidence and allowing people with these companies that have trillions of dollars, let's have them start spending some of it and creating jobs.

We are for tax reform. I agree with my friend the Republican leader, we should have tax reform. It is important because the Tax Code is not working. It is helping the wrong people, and we look forward to doing what we can to work that out. I was hoping in the supercommittee that one of the things they would have given was instructions to the Ways and Means Committee and the Finance Committee to come up with some tax reform that would be meaningful and build the economy even more than we could have ever dreamed, and a lot of that can be done with tax reform. So I acknowledge that.

We look forward to working with my friends on the other side of the aisle. They say they are in favor of now extending withholding and we know that has created lots of jobs and we are glad they are going to do that. But, I repeat, let's be very careful of how it is paid for. The American people believe we should pay for it the way we have suggested. The only people in the world who don't think it should be paid for in the way we suggested are the Republicans in the Senate. All the polls show

#### RESERVATION OF LEADER TIME

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

the vast majority of Americans believe the richest of the rich should contribute a little bit to bringing this country out of the economic problems we have.

So I would hope we can move forward. We are going to have a cloture vote on this matter soon. We have to get through this very important Defense bill, which is to take care of our troops. One of the managers of that, of course, is someone we look to for guidance with military matters. That is JOHN MCCAIN, who, as we know, is a certified war hero. When that is finished, we will work this out on the payroll tax.

I hope that prior to the cloture vote having taken place and being necessary, we will have some agreement on how to move forward because there are a lot of other things to do before the end of this year. There are other tax issues that are extremely important that traditionally have been completed before the end of a year such as we are in right now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The last time my good friend the majority leader and I had a discussion on the floor, he reminded everyone he would get the last word. Of course, since he has prior recognition to me, he can get the last word if he chooses. So I will just remind him of that at the outset. He will get the last word if he chooses to. I will not fight for the last word, but I will make this point with regard to the observation from my good friend.

We have just heard essentially the argument going into next year's election. Argument No. 1 is it could have been worse. That is an inspiring message to take to the American people. It could have been worse.

We also heard argument No. 2. The second argument goes essentially like this: After being in the administration in power for 3 years, No. 1, it is George Bush's fault. Among other causes of our current dilemma that have been cited by the President and others, in addition to the previous administration, it was a tsunami in Japan, it is the European debt crisis, of course it is the Republicans in Congress, it is those millionaires, it is those people in Wall Street. In short, it is everybody's fault but ours. That is the argument they are left with when they are going into an election year facing the American people and they have nothing else to say.

People don't think the stimulus worked. People don't like ObamaCare. They don't like Dodd-Frank. There is absolutely nothing, in terms of positive accomplishment, our good friends can cite; thus the argument: It is anybody's fault but mine.

It will be an interesting discussion going into next year, but it strikes me that our job in the Senate is not to frame campaign arguments on a weekly basis but actually try to get something done. As my friend indicated,

there are things that need to be done before the end of this year: The Defense authorization bill that we will finish this week, the appropriations bills in one way or another—either a combination of them or a continuing resolution, each of them, through the end of the next fiscal year.

We have tax extenders. We have the doc fix. We have the completion, in spite of the exercise we will engage in tomorrow, with two approaches to continuing the payroll tax extension. I have already indicated the overwhelming majority of Republicans think it should be extended, and so we will have to figure out how to package that and actually accomplish something, not just come out on the floor and score political points but actually accomplish something for the American people on things such as unemployment insurance, extension of the payroll tax reduction enacted a year ago, and the doc fix. These are the kinds of things that actually have to be done. The more time we spend on the floor with these political messaging votes, the less time we actually have to do what the American people sent us to do.

So I will be working with my friend, the majority leader. I mean, we work together every day. When we get past the political speeches and the show votes, there are things that need to be done, and we will be working together to get those things accomplished before Christmas.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I agree with virtually everything the Republican leader said. I do think the Presidential election will be based on what took place in the Bush administration and how we have tried to recover from that, and how things have been exacerbated because of the tsunami and because of the European debt crisis.

I also agree wholeheartedly with my friend that we need to work together the rest of this Congress. It is difficult to do, but we need to set aside Presidential politics and work in our sphere as legislative leaders to try to move this country along. So I look forward to that, and I appreciate the constructive remarks of my friend.

Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam 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.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and posttraumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200