

Mr. REID. Yes, and it satisfied what we had debated here on a number of occasions and voted on, the so-called Sessions-McCaskill number. So we did that. This is not a big balloon that we just threw up to see how it would work out. Senator McCONNELL, who has had a longstanding association with the Appropriations Committee, that was a number he told us we should work with.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. REID. I am happy to.

Mr. DURBIN. As a former member of the Appropriations Committee, is the Senator aware of the process in that committee, a bipartisan process where the ranking Republican member and the Democratic chairman of each subcommittee sit down to literally have a hearing, mark up a bill, and accept earmarks from both sides of the aisle? That is the common practice and has been followed with the bills that are currently sitting in front of the minority leader?

Mr. REID. Yes. To Senator COCHRAN's credit, there were things he thought should not be in the bill that Senator INOUE was putting together. Senator INOUE, to his credit, said: OK, it does not go in. Everything people wanted in this bill—in addition to the work that went on in the subcommittee level, the full committee level—anything that was added at a later time had to be approved by both Senator INOUE and Senator COCHRAN.

Mr. DURBIN. On a bipartisan basis.

Mr. REID. That is right.

Mr. DURBIN. In every subcommittee.

Mr. REID. Yes. And things that Senator COCHRAN did not want in, Senator INOUE, being the gentleman he is, said: OK. That is what I will tell my caucus.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. McCONNELL. Will the Senator yield for a question?

Mr. REID. Yes, I will yield for a question, and, of course, I maintain the floor.

Go ahead.

Mrs. MURRAY. Mr. President, I ask the Senator to yield for a question.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would ask the leader through the Chair, is he aware that the bill that is before us, that apparently we do not have enough votes for now, has gone through a very long committee process? The transportation and housing bill that I worked with my Republican colleague on, I did not agree with all of his requests, but I gave him a lot in this bill, as we worked our way through it and passed it out of subcommittee, passed it out of the full committee, a committee of which the minority leader is a member.

All of the bills that are involved in this omnibus bill—every one of them—went through a long, long process of committee hearings, subcommittee

markups and passage, and full committee markups and passage.

The changes to this bill that have come to the floor have come as a result not of a change in policy, but because we all were told that in order to get an omnibus passed, we had to reduce the amount of that bill that passed out of committee—each of those bills a significant amount—to meet the McCaskill-Sessions level. So we went back and cut a significant amount out of each one of our bills. The result is the omnibus bill before us.

So the 2,000 pages that we are referring to have worked their way through a process. I would ask the leader if he knows this. And the difference is, we had to cut money to meet the level of Sessions-McCaskill. That is what we have before us. And that is what we are being told, after a year's worth of work, that somehow we do not have the capability of knowing what is in the bill. Is the leader aware of that?

Mr. REID. I am aware of it. But my friend, the Republican leader, wants to ask a question or make some statement. But I would say this to my friend from Washington, remember, this bill, which is 1,900 pages long, consists of the work of 12 subcommittees.

Mrs. MURRAY. Right.

Mr. REID. It is work that has been done over the last year, or more in some instances, to come up with a product. So if you break it down per subcommittee, it is certainly a reasonable number of pages on each subcommittee. Remember, there are 12 subcommittees that are a part of it.

I would be happy to yield, without losing the floor, to my friend, the Republican leader.

Mr. McCONNELL. I was just going to ask my friend—it is hard to ask a question without making something of a statement in connection with it, if that is OK.

Mr. REID. That is fine.

Mr. McCONNELL. I was not talking about the process by which the bill was developed in committee. And I started off, I would say to my friend from Nevada, commending the committee for its work. What I was commenting upon was the lack of taking the bill up on the floor of the Senate—over \$1 trillion, the basic work of government.

And so, Mr. President, I would ask my friend, why, if these bills enjoy bipartisan support—and they did—why were they not brought before the full Senate and passed? I think I would say to my friend, I expect it is because you had other priorities. And this is the basic work of government. Why did we not bring any of these bills before the Senate floor?

Mr. REID. I hope the court reporter will take down the smile I have on my face because the answer to the question is kind of easy. We have had to file cloture 87 times in this Congress because, on everything we have tried to do, we have been obstructed. So that is the reason.

Everyone knows we have had some very big issues. When President Obama

was elected, we found ourselves in a deep, deep hole. It was so deep, so deep. During the prior administration, we lost 8 million jobs. The month that President Obama and President Bush shared the Presidency, in January—that month—we lost 800,000 jobs. So we had a lot to do.

Now, I know people criticize our doing health care for various reasons. There is criticism we did the bank reform bill, Wall Street reform. We did housing reform. We had a very, very busy Congress to try to dig ourselves out of the hole.

So I say to my friend, who, like me, has been on the Appropriations Committee—I am not on it now but he is—the Appropriations Committee is a wonderful committee. Everyone here knows why we did not have the individual appropriations bills. I say to my friend, I hope next year we can get them done. But I think there is more of a chance next year because we have gotten a lot done to help get ourselves out of the hole we found ourselves in because of the previous 8 years which created the big hole we had to kind of dig out of.

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5281.

The PRESIDING OFFICER. Will the Senator withhold for a second?

Mr. REID. Yes, I will.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

Mr. REID. Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader.

#### REMOVAL CLARIFICATION ACT OF 2010

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5281.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) entitled "An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes" and be it further

*Resolved*, That the House agree to the amendment numbered 3 of the Senate with a House amendment to the Senate amendment.

#### MOTION TO CONCUR

#### CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment No. 3, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.