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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord, You have given us a world full of rich resources. Make us responsible stewards of Your generous gifts. Help us to remember that to whom much is given, much is expected.

May our accountability to You guide the choices our lawmakers make as they seek to serve You and country today. Lord, fill their minds with wisdom and their hearts with hope so they will believe all things are possible with You. Open their minds to the inflow of Your spirit to prepare them for the decisions they must make this day.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 476, S. 3457, which is the Veterans Jobs Corps Act.

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

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, the next half hour will be for debate on the Coburn amendment on the AGOA-Burma sanctions bill. Following that debate, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees. At 11 a.m. there will be two votes. The first vote will be a cloture vote on the cyber security bill, followed by a vote in relation to the Coburn amendment to the AGOA-Burma sanctions bill. The filing deadline for second-degree amendments to the cyber security bill is 10 a.m. today. Additional votes are possible today, and we will notify Senators when and if they are scheduled. We will vote at 11 o'clock, so those people debating the cloture motion may not get the full hour. They should understand that.

RECOGNITION OF THE REPUBLICAN LEADER

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

CYBER SECURITY

Mr. MCCONNELL. Mr. President, I would like to start this morning with a word about cyber security. No one doubts the need to strengthen our Nation's cyber security defenses. Open source reporting clearly shows that our defense industrial base, financial sector, and government networks are all under attack by nation states as well as independent hackers. The U.S. Cyber Command, the NSA, and the FBI are working hard to counter these threats. So we all recognize the problem. That is really not the issue. The issue is the manner in which the Democratic leadership has tried to steamroll a bill that would address it.

Members on both sides of the aisle have recommendations for improving our cyber defenses, and some of them thought this bill would provide an opportunity to propose those ideas through amendments, especially since Democrats did not allow for an opportunity to do so in committee. Yet, despite preventing Members from amending the bill in committee, the anticipated open amendment process, once this new bill got to the Senate floor, never happened. It just never happened. Despite being on the bill now for the third day, no Senator from either party has been allowed to vote on any amendment.

Look, this is a big, complicated, far-reaching bill that involves several committees of jurisdiction. Democratic leaders have not allowed any of those committees to improve the bill or even vote on it. Frankly, I was a little surprised the majority leader decided to file cloture and end debate before it even started. An issue of this importance deserves serious consideration and open debate. Instead, the majority

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



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leader waited until the last week before August to even take it up. Rather than give this issue the time and attention it deserves, Democratic leaders brought it up with only 3 days left before recess and then tried to jam something through without any chance for amendment.

The few days the bill was on the floor, the majority limited its consideration to debate only and then filled the tree and filed cloture. But, of course, that is kind of par for the course around here. This is the 65th time the majority leader has filled the amendment tree and filed cloture—the 65th time. Just to give a point of comparison, the last 6 party leaders did it 40 times combined. The last 6 party leaders did it 40 times combined. So the majority leader has set a historic pace for blocking amendments. No amendments in committee, no amendments on the floor—take it or leave it. That is the story of the Senate under the current leadership.

The notion that we should just roll over and wave through these bills without having a chance to improve them and that Democratic Senators would be willing to be rolled in such a way is ridiculous, especially on a bill of this significance. I remind my Democratic friends, none of you were able to offer or have a vote on your amendments. By filing cloture and filling the tree, your amendments were blocked as well. The senior Senator from Missouri authored three amendments and cosponsored three others. None of those will get votes if cloture is invoked. The senior Senator from Arkansas has two amendments and cosponsored another. None of those will get votes if cloture is invoked. The senior Senator from Louisiana has authored two amendments and cosponsored one more. None of those will get votes if cloture is invoked. As of this morning, 29 Democratic Senators have filed 74 amendments, not counting the ones used to fill the tree. That is a lot of amendments. They will not get any votes. I may not support all of these amendments. In fact, I am sure there are many I will probably oppose. But that doesn't mean the Senators who proposed them should not be entitled to have a chance to make their case.

Instead of just being rubberstamps for the majority leader, I encourage these Senators to stand up for themselves and their constituents and demand to be heard. After all, the majority leader himself said earlier this year that given the complex nature of this subject, it was essential to have a thorough and open amendment process and even committed to ensuring it.

Let me read what the majority leader committed to on this bill in February of this year. The majority leader said:

Given the complexity and significance of the legislation, it is essential that we have a thorough and open debate on the Senate floor, including consideration of amendments to perfect the legislation, insert additional provisions where the majority of the

Senate supports them, and remove provisions if such support does not exist. For that reason, I have committed to my colleagues that we will have an amendment process that will be fair and reasonable . . . this legislation will have been subject to as fair, thorough, and open a process as is conceivable.

That was the majority leader in February of this year.

There is widespread agreement that a cyber security bill should eventually pass. We need to improve information sharing between the private and public sectors. And there is a clear indication that we will need to responsibly debate this matter in the very near future. If cloture is not invoked today, I suggest we work in a bipartisan fashion to complete the bill, and I suggest that the next time we take it up, we allow the Senate to be the Senate. Let Senators have their proposals considered on the floor, especially if the Democratic leadership is not going to allow them to be considered in committee.

Mr. President, on another matter—
Mr. MCCAIN. Will the Senator yield for a question?

Mr. MCCONNELL. I yield to the Senator from Arizona for a question.

Mr. MCCAIN. I see the majority leader wants to speak, but my question is, isn't it true that there has been a series of meetings including the sponsors of the bill, those of us who believed significant modifications needed to be made, and large numbers of Senators have at least tentatively come to some agreement that we think could move this legislation forward in a fashion that recognizes the importance of the issue and yet dramatically, in our view, improves the legislation? I hope the Republican leader and majority leader would not interpret this vote—which clearly cloture will not be invoked—as an impediment to the process that I think was moving on a path where we could have reached some agreement and addressed this issue and this legislation conclusively.

Mr. MCCONNELL. Yes, I say to my friend from Arizona, he is entirely correct. A vote not to finish the bill today is a vote to actually have amendments and an opportunity to modify the bill, as we all know is necessary, including my friend the majority leader, who indicated as much back in February.

I know the majority leader is on his feet and wants to discuss the matter further. I know he may have time commitments, but I do as well. I have two other issues I wish to address, and then I will be happy to yield the floor.

THE ECONOMY

Two years ago tomorrow, Treasury Secretary Tim Geithner declared in a now-infamous New York Times op-ed entitled "Welcome to the Recovery" that because of the actions taken by the Obama administration during its first 1½ years, the U.S. economy was, as he put it, "on the road to recovery." I think it is pretty obvious that the Treasury Secretary jumped the gun on that one. Far from putting us on a path

to recovery, it is now obvious that President Obama's policies have made a bad situation worse.

Secretary Geithner was right to say that the President's policies were having an effect on the economy. He was clearly wrong to conclude that they were anything approaching a lasting, positive effect on the economy. On the contrary, we can see that the policies of the President's first 2 years in office put us decidedly on the wrong path.

Two years after Secretary Geithner's op-ed, 23 million Americans are either unemployed, underemployed, or have given up looking for work altogether. Half of the college graduates cannot find a decent job, and with little or no income, many have decided to move back home with mom and dad. Two years after Secretary Geithner all but declared victory, GDP growth is still at an anemic 1.5 percent. Foreclosures are still quite common. More Americans than ever are on food stamps. Two years after Secretary Geithner welcomed Americans to the recovery, more Americans are signing up for disability than are finding jobs. More Americans are signing up for disability than are finding jobs. All of this after the President and a Democrat-led Congress passed his major policy initiatives.

In the face of all these things, you would think the administration would change course, go in a different direction. After all, if it claimed credit then for what it thought was a recovery, it would have to claim credit for what we actually see, now—not exactly apparent.

As it turns out, the administration is happy to claim credit when it thinks things are going well but even happier to cast blame when it thinks things are not going well. So 2 years after touting the impact the President's policies were having on our economy, the administration now acts as though they have been irrelevant. They act as though an additional \$5 trillion in debt isn't affecting people's anxiety about the Nation's future. They act as though a \$1 trillion health care bill that hammers the private sector isn't affecting business activity.

They act as though the President's perpetual threats to raise taxes aren't impacting investment. They act as though somehow the President's attacks on free enterprise aren't putting a chill on risk-taking. They act as though a barrage of new regulations isn't keeping businesses from hiring and expanding. They say it is Bush's fault, it is headwinds from Europe, it is the Tsunami, and it is the Republicans.

The President can't have it both ways. He can't be responsible for the economy when he thinks it is going well and disavow responsibility when it clearly isn't. He is either responsible for it or he isn't.

The Treasury Secretary had it right 2 years ago when he said: The President's policies have had a big impact on the economy. What he got wrong

was the fact that the impact was actually negative. If we were to ask ourselves whether Americans are better off now than they were 2 years ago, the answer would be obvious. The President's policies have clearly made it harder for Americans to find jobs and to keep those jobs.

If the President wants to cast blame for the economic mess we are in, he should look no further than his own policies. If he is more concerned about the future of the country than his own reelection, he would work with us to go in a different direction. For 3½ years, Republicans stood ready to work with him on the kind of policies that would empower the private sector to lift us out of this recovery once and for all. Comprehensive tax reform, an all-of-the-above energy policy, eliminating burdensome regulations, these are the kinds of things we can do together. We are ready whenever he is.

Finally, on one other subject, and I apologize to my friend the majority leader for delaying him further.

TRIBUTE TO CARL KAELIN

Mr. President, I wish to congratulate my old friend Carl Kaelin of Leitchfield, KY. Carl was recently appointed national inspector general of the Veterans of Foreign Wars of the United States at the national convention in Nevada. Carl is the first Kentuckian to become VFW's national inspector general, one of the highest positions in that organization.

Carl has a long history of serving his country, the Commonwealth of Kentucky, his community and veterans across the State and, indeed, the Nation. He served in the U.S. Army as a crew chief of an OV-1 Mohawk aircraft in Vietnam in 1968 and 1969. Upon his return in 1969, he joined VFW Post 1170 in Middletown, KY, becoming a VFW life member.

Carl has served the VFW in a number of positions over the years, including as post and district commander and, at the age of 33, as Kentucky's youngest State commander.

In these capacities and on the VFW National Council of Administration, Carl worked tirelessly on behalf of America's heroes, our Nation's veterans. In addition to his selfless work with the VFW, Carl has also been active with Kentucky's Joint Executive Council of Veterans Organizations and served as mayor and city councilman of the city of Lynnview, KY.

Over the years, I have had the great fortune of working with Carl on a number of issues to ensure our Nation's veterans receive the care and the benefits they deserve.

I congratulate Carl Kaelin and his wife Linda on his new position and thank him for his military service and tireless dedication to our Nation's veterans. I also thank him for his friendship over the years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, I wasn't planning on making a statement today. I felt we should leave the time for the vote we are having at 11. It is my understanding that under the rule, Senator COBURN and others will have a half hour to debate the Burma sanctions; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. The time left over will be whatever time is left over for the debate on the motion to proceed to the cloture vote; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

TAX PLANNING

Mr. REID. I will talk about cyber security in 1 minute. Let's talk about the minority leader's continual harangue against the President of the United States. Underscore all of this with what my friend the Republican leader said at the beginning of this Congress: The No. 1 issue for him in this Congress is defeating President Obama, and that is how the Republicans have acted. To talk about a Republican tax plan would have to bring a smile to one's face. Yesterday, an organization called the Tax Policy Center—now remember last year Mitt Romney called the Tax Policy Center “an objective third party” and cited one of their studies to bash Rick Perry in the Republican primary. So this objective third party said yesterday about Romney's tax plan that my friend the Republican leader wants the American people to grab. The only people to be grabbing that are very rich people.

The vast majority of Mitt Romney's tax plan would go to people just like him, people making millions of dollars every year. Under Romney's plan, folks making more than \$3 million a year would get a tax break of almost \$250,000 per year. So how will he pay for this massive handout to the top 1 percent? He will hand the bill to 95 percent of the American people. Under his plan, my friend the Republican leader wants—I hope everyone within the sound of my voice listens to this because the Republican plan would require the average middle-class family with children to pay \$2,000 more in taxes to take care of the millionaires. Ninety-five percent of families in this country would be asked to pay more so people such as Mitt Romney can get a tax break. Now, that is a great program, a wonderful program.

Last year, I repeat, Mitt Romney called this Tax Policy Center an objective third party when he was once again changing his position during the Republican debates leading up to his nomination. Now that the group has exposed his plan to hike taxes for 95 percent of the American families while handing out more giveaways to millionaires, the Tax Policy Center is suddenly too liberal, his spokespeople say, to be trusted. I would suggest, when we are talking about trust, we need to look no further than the person my

friend the Republican leader wants to be President of the United States.

As we know, he has refused to release his tax returns. If a person coming before this body wanted to be a Cabinet officer, he couldn't be if he had the same refusal Mitt Romney does about tax returns. So the word is out that he has not paid any taxes for 10 years. Let him prove he has paid taxes because he has not. We already know from one partial tax return he gave us he has money hidden in Bermuda, the Cayman Islands, and a Swiss bank account. I am not making that up. Mitt Romney makes more money in a single day than an average middle-class family makes in 2 years or more.

So let's not talk about this great plan the Republicans have to create jobs. The No. 1 goal in this body by the Republicans has been to damage the President of the United States. They have refused to work with us in creating jobs.

CYBER SECURITY

Let's talk a little bit about cyber security. We have people coming over here saying: We almost have a deal. I have been hearing that for 3 years. We have been working on cyber security for 3 years. They are over here today asking why we don't have more meetings. This is a bill that has had meeting after meeting. Chairman LIEBERMAN, Chairman ROCKEFELLER, and Chairman FEINSTEIN have had plenty of meetings. They have had meetings with the Republicans, meetings with Independents, and meetings with business groups. So don't come and lecture us over here about how my Senators should vote. We know how important this legislation is. We believe this legislation is more important than getting a pat on the back from the Chamber of Commerce.

The Chamber of Commerce does not support this legislation. That is why the Republicans are running like scared cats, because the Republicans will not endorse doing something that is good for our country and that is protecting us against cyber attacks.

The statements made by the Republican leader speak volumes. This is another filibuster that could have been prevented by their work to get a list of relevant amendments to show how serious the Republican leader is about cyber security. Let's just take a few days from this week. We have been stalled and stalled in months past trying to get a bill. We could never get the Republican leader to endorse a bill. We worked with the White House, and they came aboard. We begged and pleaded to do a bill together. No, no; because the Chamber of Commerce does not want a bill.

The first thing we hear about cyber security, to show how serious they are, is an amendment where they want to repeal ObamaCare. They did that on the last day of the month of July, when on the first day of August all these great benefits for women kick in.

The Republican leader was standing here and said, I want to vote on

ObamaCare. Then he walks out there a few hours later, standing by the famous Ohio clock, and says, cyber security, we should do it. It will take a lot longer to do than the time we have. If cloture is not invoked today, it is for reasons I have just enumerated but principally because of the Chamber of Commerce. They are opposed to the initial bill because it was mandatory that these companies do something to protect America from these attacks from bad people.

So Senators LIEBERMAN and COLLINS, the two managers of this bill from the Homeland Security Committee, said: OK. We don't think this is the right thing to do, but we will not make the provisions mandatory anymore. That is still not good enough for the Chamber of Commerce. A voluntary alternative is still something opposed by the Chamber of Commerce.

I have and numerous other people have come to the floor and talked about how important this bill is. The bill that is before this body now that we are going to vote cloture on would be a wonderful step forward. No, it doesn't do everything everyone wants, but it is a good bill. It is to protect our country. The leaders of the security of this Nation, including General Patraeus, General Dempsey, and the people working in NSA say this bill is more important than Iran, Afghanistan, Pakistan, and North Korea. But the Chamber of Commerce has now interjected themselves in the security of this Nation. They think they know more than Patraeus, Dempsey, and all the leaders of this country. They are telling the Republicans to vote against this, believing they will get something better later on. Maybe they will, but right now here is what we have. I think it sends a very bad message to the country that Republicans are not willing to support this legislation.

To show how serious the Republicans are to get this bill done, they filed an amendment on a right-to-work law and they filed an amendment on repealing Dodd-Frank. That is just some of the beginning volleys they shot over here. My friend, the Senior Senator from Arizona, steps in and says: We are working on a list.

So I am disappointed, perplexed, and somewhat confused about how the Republicans want to proceed. It is obvious—it is obvious—until they get a signoff from the chamber of commerce that nothing will happen on one of the most important security interests this country has faced in generations.

So I would suggest that the Republican leader, rather than trying to denigrate this legislation that has been done with the best interests of the country at heart—including one of his most valued Senators, Ms. COLLINS—do a conference call with the chamber of commerce. Have them come down here and tell them what they want, and maybe, with what the chamber of commerce wants, we can work something out, because they are ruling the place now as far as this legislation goes.

The chamber of commerce, I will repeat, for the first time that I am aware of in the history of this country, has now become the protector of our Nation's security interests. That says it all, Mr. President.

RESERVATION OF LEADER TIME

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

AFRICAN GROWTH AND OPPORTUNITY AMENDMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill, (S. 3326), to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I wish to say I appreciate the leadership for working to ensure a vote on this package. This package was slowed down not because anybody is truly opposed to what we are trying to do, but the package was slowed down because of the way we are paying for it. We are going to see that coming over from the House as well. It is not a Republican or a Democratic problem; it is a problem of all of us because there is going to be an emergency farm bill, a disaster bill, coming over that is going to spend almost \$400 million, and it is paid for over 5 years. That has to stop. It has to stop.

Right now, in this country, every man, woman, and child is on the hook for \$53,000 of debt. So the typical American family is on the hook for 212,000 bucks right now because of what we have done. So my objection was not with the AGOA package, it is not with Myanmar, it is not with any of that. Those are great policy things. My objection is we are addicted to not fulfilling our responsibilities and delaying.

So this is a very simple, straightforward message and amendment that does two things: One, it recognizes the recommendation of the Obama administration in terms of duplication and the need for consolidation. That is how we are eventually going to get out of the hole. We have \$130 trillion in unfunded liabilities, and we have \$16 trillion in debt. It was a good recommendation. We totally ignored it. We have ignored it. Nothing has hap-

pened on what they have recommended. There have been no hearings on what the Obama administration recommended in terms of combining some of the departments at OMB.

So this is just a step toward trying to meet in the middle with what the Obama administration has recommended and us actually paying the \$200 million in costs over 2 years, with \$200 million worth of savings in 2 years.

The bill, as it presently stands, takes 10 years to pay for \$200 million. We have a \$3.7 trillion budget—or CR—and we can't find—it is less than one-hundredth of 1 percent, and we can't find it. So what this does is delay the cost—the payment—for this bill over a period of years, all the way out to 2023. No family who is broke gets to operate that way—and we are. Nobody who has maxed out their credit cards gets to do that, and we have maxed them out. So what we are saying is there is a ton of money that is available that we can use.

We have had three amendments on this floor that everybody who is going to be in opposition to this have voted for to eliminate duplication. The vast majority of my colleagues on the other side have voted for it, and the vast majority of my colleagues on my side have voted for it. So we are going to use that same skill where we know there is waste and we know there is inefficiency. We have tons of GAO reports, tons of IG, and tons of oversight of the Homeland Security Committee in the Senate that shows where the duplication is. All we are asking is, let's pay for it. Let's pay for it.

This place is so manipulated, I couldn't get a score until yesterday because somebody was telling them don't give him a score. Then when we changed the amendment, all of a sudden, because we want to know what the amendment says, CBO says: Well, wait a minute. That might not work. The fact is CBO didn't read our amendment right, and they know they didn't. So OMB was consulted. They said this amendment is implementable, and it fits with what the President was recommending in terms of consolidation of programs.

So what it says is let's make this a start today. Let's actually start paying for things in the years in which we are going to spend the money, and let's not kick the can down the road. Let's not charge it to our kids because the history is we take 10 years to pay for something, we come back next year and we will change it. We will change it. So what was paid for this year all of a sudden is not paid for anymore, and it is smoke and mirrors for the American people.

So this is very straightforward. It is a clean pay-for. It uses two mechanisms to get there which have been scored that will accomplish it.

I fully support the AGOA. I am sorry we got delayed. I am actually sorry it took—because there has already been